

Disclaimer

These minutes reflect the actions taken by the Commission during its January 13, 2012 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 January 27, 2012.

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

MINUTES

January 13, 2012

Commissioners Present

Candace Ashmun, William Brown, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, Rick Harris, John A. Haas, Edward Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Mark S. Lohbauer. Also present were Executive Director Nancy Wittenberg and DAG Helene Chudzik.

Commissioners Absent

D'Arcy Rohan Green, Francis A. Witt and Bob Jackson.

Chairperson Lohbauer called the meeting to order at 9:33 a.m.

DAG Chudzik read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were twelve 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.

Chairman Lohbauer welcomed our newest Commissioner, Richard Prickett. DAG Chudzik administered the Oath of Office to Mr. Prickett.

Chairman Lohbauer recognized Commission staff member Ed Wengrowski for 10 years of service to the Commission.

Minutes

Chairman Lohbauer presented the December 9, 2011 Commission meeting minutes, and Commissioner Galletta moved the adoption of the minutes. Commissioner Ashmun seconded the motion.

The minutes of the December 9, 2011 meeting were adopted by a vote of 11 to 0, with Commissioner Prickett abstaining.

Committee Chairs' Reports

Personnel and Budget Committee Meeting

Commissioner Haas updated the Commission on the January 3, 2012 Personnel and Budget Committee meeting:

The minutes from the October 24, 2011 Personnel and Budget Committee meeting were adopted.

Insurance Update– Dawn Rago provided responses to questions raised from the last meeting, including information about joining a Joint Insurance Fund. Stacey Roth briefly reviewed the Commission's coverage under the State's Tort Claims Fund.

Payroll Services/Flexible Spending Plans Update – Donna Connor reported that three companies provided quotes. Prime Pay was the lowest, and is our new payroll provider. They will also administer two Flexible Spending Plans for employees. Michelle Russell provided a brief description of the flexible spending plans.

FY 2011 Financial Reports (before conversion) as of June 30, 2011 – Ms. Connor reviewed the balance sheets, revenue and expenditure reports of each fund. Our CPA will convert these reports into financial statements, and will present them to the Audit Committee in the next month or so.

Review of Deferred Revenue and Reserve Accounts as of June 30, 2011 – Ms. Connor provided details on each account and explained that these balances are found on the balance sheets.

Financial Updates- Check Registers, Electronic Funds Transfer (EFT) and disbursements from October - December 2011 were reviewed. Application fees update as of December

31, 2011. Ms. Connor reported that application fees received at the end of December are below the projections, based on the budgeted amount.

There were no comments from the public. Confidential personnel matters were discussed during closed session.

Ms. Roth informed Commissioners that the Commission applies for Officers and Directors Insurance on an annual basis in accordance with the Tort Claims Act.

Commissioner McGlinchey wanted to be sure that we are still investigating the Joint Insurance Fund as a cost-saving measure.

Policy and Implementation Committee Meeting

Chairman Lohbauer updated the Commission on action from the January 3, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the November 29, 2011 meeting.

The Committee received an update on the acquisition component of the Pinelands Conservation Fund from Conservation Resources, Inc. staff. In closed session, the Committee granted a second deadline extension for a project in Atlantic County until April 2, 2012.

The Committee received an update from Michael Catania, Chairman of the Pinelands Forestry Advisory Committee, regarding its December 20, 2011 meeting.

Ms. Roth provided a legislative update on bills of interest to the Commission related to water quality planning, the naming of the Pine Barrens tree frog as the state amphibian, the permit extension act and plans for harvesting on State-owned forests.

During public comment, a group advocating for wildlife rehabilitators in New Jersey sought Commission support for legislation.

Executive Director's Reports

Ms. Wittenberg updated the Commissioners on the following:

- The Legislature took no final action on two Forestry bills during the 2010-11 session. It would be beneficial for us to meet with Senator Smith to discuss future forestry bills.
- Although controversial, the Water Quality Management legislation was passed and will now be considered by the Governor. Pinelands-specific language was added to

acknowledge the Comprehensive Management Plan. A Memorandum of Understanding with DEP is currently being drafted.

- Commission staff will coordinate with Dan Kennedy (Office of Planning Advocacy) regarding the draft State Plan. Mr. Kennedy will update the Commission on this matter, possibly at the February Commission meeting.
- Staff attended a site meeting at the Museum of Woodbine Heritage to address cultural issues associated with a planned addition to the Synagogue.
- The 2012 Pinelands Short Course will be held on March 24. All are invited and encouraged to participate.

Commissioner Ashmun questioned if the existing Memorandum of Agreement with the State Planning Commission would remain. Staff informed her that as the process moves forward, the MOA would most likely need to be updated. It was noted that certain measures have been taken in the past to ensure that towns in Pinelands Regional Growth Areas will receive the same benefits as other towns outside the Pinelands. We need to ensure that that this continues.

Commissioner Haas asked where we are with the Kirkwood Cohansey study. Mr. John Bunnell stated that Bob Nicholson from USGS has indicated their modeling report should be finalized by the end of February.

Mr. Chuck Horner updated the Commission on the following:

- Ms. Wittenberg sent a letter to Ocean County on December 30, 2011, authorizing the Emergency replacement of Bowman Road Bridge in Jackson Township. The County recognizes that, in order to complete their application, they will need to submit additional information, primarily stormwater management information.
- A copy of a memo was mailed to Members of the Commission to address concerns regarding erosion that occurred on Route 70 near the New Lisbon Developmental Center (application #1986-0122.020) (See attached memo.)
- Staff issued a completeness document for a WaWa which is being proposed in South Toms River. There has been great public interest in this application because surrounding business owners feel the WaWa will hurt commerce even more than the poor economy. Commission staff has spent a great deal of time advising the public that we look at the application from an environmental standpoint, not an economic one.
- The Ocean County public development application proposing a garage facility in Manchester Township has been put on hold until the February Commission meeting.

- Staff recently met with the engineers for the Hamilton Mall addition, and agreed on an approach to resolve the ongoing stormwater issues.

Ms. Susan R.Grogan updated the Commission on the following:

- The solar energy facility rules were published in the New Jersey Register on January 3 and are now officially in effect. Some towns are proceeding with adopting the rules into their ordinances.
- At the end of December, The Trust for Public Land was able to complete the acquisition of 385 acres in Jackson Township using 1.125 million dollars from the Pinelands Conservation Fund. The Trust for Public Land along with the Department of Defense, is working to purchase an easement of 1,400 acres in the vicinity of the 385 acres. The plan is to close later this month.

Commissioner Haas informed the Commission that this past December, the County facilities connected to the Stafford Business Park solar system. On a bright sunny day, all County facilities are powered by energy produced from the solar facility.

Public Development Projects and Other Permit Matters

Commissioner Ficcaglia moved the adoption of the Resolution Approving With Conditions Applications for Public Development (Application Numbers 1984-0655.029, 2003-0530.005, 2010-0024.003 and 2011-0039.001) (See Resolution # PC4-12-01). Commissioner Galletta seconded the motion.

Commissioner Ashmun wanted it to be made clear that Application #2003-0530.005 was not submitted by a developer but rather the City of Egg Harbor.

Chairman Lohbauer asked that Mr. Horner provide details on the threatened and endangered species survey that was performed for Application # 2003-0530.005. Mr. Horner stated that the applicant provided a two season (spring and fall) survey for threatened and endangered snakes. The survey was negative. A neighboring property which now houses the Egg Harbor City High School also performed a snake survey some years back and also produced negative results. The consultant performing the survey for Application 2003-0530.005 was a qualified individual and staff felt confident of the negative survey results.

Mr. Horner also clarified that the City will be restoring roads as required as part of this application. Any future road improvements will come before the Commission for approval. The drainage issues will be encompassed into the review of the road improvements. Mr. Horner noted that all the residential development is being proposed in a Pinelands Town management area and is not subject to clustering rules. Additionally, Egg Harbor City does not have a clustering ordinance in effect.

Chairman Lohbauer thought it was fascinating that the South Jersey Transportation Authority is proposing to build baskets underneath four of their Expressway bridges. The baskets will serve as a wildlife crossing.

Mr. Ernest Deman advised the Commission that gabion wire baskets will be placed above the natural water level, allowing animals to traverse from the north side of the Expressway to the southern side.

Commissioner Prickett asked if there will be other devices in place to funnel the wildlife onto the pathway. Mr. Deman stated that 10 miles of four foot high fencing will be installed in an effort to direct wildlife to the baskets. He also stated that the fencing is exempt from our review and was a condition of South Jersey Transportation Authority's individual permit with NJDEP.

The Commission adopted the resolution by a vote of 11 to 0, with Commissioner Prickett abstaining.

Resolutions Relating to Municipal Ordinances

There were no resolutions relating to municipal ordinances.

Public Comment on Agenda Items and Pending Public Development Applications

Ms. Theresa Lettman, of the Pinelands Preservation Alliance provided comment on Application # 1997-0585.002. She stated that after reviewing the Commission file she understands that the purpose of the road improvement is to create a safer and more efficient roadway for the travelling public. However, she feels that the open space and farmland that will be reduced with this road widening project does not seem justified. Ms. Lettman would like to know what the environment and the Pinelands PDC Program are getting back for the land that will be taken.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Medford Township Resolution P.B. 26-2011 and Ordinance 2011-15
- Stafford Township Ordinance 2011-36

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

Mr. Fred Akers, with the Great Egg Harbor Watershed Association and River Council, provided comments on sewer service. He feels that the new suggestion of expanding sewer areas is the new "bubble" of promoting growth. He also feels that the regional treatment plants are more economically sustainable, but they deplete the water supply by taking water out of the Pinelands and discharging it into the ocean.

Mr. Carleton Montgomery of the Pinelands Preservation Alliance welcomed Commissioner Prickett to the Commission. He hopes that the Commission will return to some of the initiatives that have gotten sidelined, specifically proposed reforms to the PDC program.

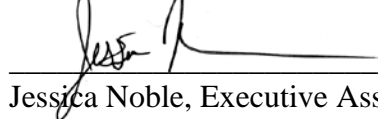
There was no need for a closed session.

Commissioner Ashmun added that she agreed with Mr. Montgomery's comments that the PDC reform should be subject of the 4th Plan Review.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Ficaglia seconded. The Commission agreed to adjourn at 10:35 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 25, 2012