



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
NEW JERSEY STATE PLANNING COMMISSION
PO BOX 204
TRENTON NJ 08625-0204

JON S. CORZINE
Governor

SUSAN BASS LEVIN
Commissioner

CHRISTIANA FOGLIO
Chair

EILEEN SWAN
Executive Director & Secretary

**New Jersey State Planning Commission
Minutes of the Meeting Held October 18, 2006
Thomas Edison College
Prudence Hall
101 West State Street
Trenton, New Jersey**

CALL TO ORDER

Chris Foglio, Chair called the October 18, 2006 meeting of the New Jersey State Planning Commission to order at 9:48 a.m.

OPEN PUBLIC MEETINGS ACT

Daniel P. Reynolds, Deputy Attorney General announced that notice of the date, time and place of the meeting had been given in accordance with the Open Public Meetings Act.

ROLL CALL

Members Present

Bernard McLaughlin, Designee for State Treasurer, Bradley Abelow, Department of Treasury
John Eskilson, Public Member
Adam Zellner, Designee for Commissioner Lisa Jackson, Department of Environmental Protection
Brent Barnes, Designee for Commissioner Kris Kolluri, Department of Transportation
Monique Purcell, Designee for Secretary Charles Kuperus, Department of Agriculture
Marilyn Lennon, Public Member (arrived at 10:07 am)
Marge Della Vecchia, Designee for Commissioner Susan Bass Levin, Department of Community Affairs (arrived at 10:19 am)
Debbie Mans, Smart Growth Ombudsman
Thomas Michnewicz, Public Member
George Pruitt, Public Member
Christiana Foglio, Chair and Public Member

Not Present

Kenneth Albert, Public Member
Michele Byers, Public Member
Edward McKenna, Jr., Public Member
Lauren Moore, Manager, Office of Business Advocate & Information, Commerce & Economic Growth Commission

Others Present (See Attachment A)**PLEDGE OF ALLEGIANCE**

Chair Foglio asked everyone to stand for the Pledge of Allegiance.

APPROVAL OF MINUTES

Chair Foglio asked for a motion to approve the minutes of the September 20, 2006 meeting. George Pruitt made the motion and Monique Purcell seconded the motion. Chair Foglio asked for a roll call vote. Ayes (8): Bernard McLaughlin, Adam Zellner, Brent Barnes, Monique Purcell, Debbie Mans, Thomas Michnewicz, George Pruitt and Chris Foglio. Nays (0). Abstains (1) John Eskilson.

The motion to approve the September 20, 2006 minutes was not approved due to a lack of affirmative votes. Chair Foglio noted that additional members of the Commission were expected and that another vote would be taken later in the meeting.

CHAIR'S COMMENTS, Christiana Foglio, Chair

Chair Foglio indicated that there was a request to hear public comment prior to voting on the resolution and that request would be granted.

Chair Foglio requested that the procedure for sending public comments be changed from being sent directly to the Chair to being sent directly to Ms. Swan. She noted her concern was that there would be items she might have to abstain on due to conflict, yet there would be a record of correspondence to her.

COMMITTEE REPORTS**Plan Implementation Committee**

John Eskilson noted that the Committee had not met this month and deferred to Ms. Eileen Swan to report on the resolutions that were before the Commission.

EXECUTIVE DIRECTOR REPORT, Eileen Swan, Executive Director

Ms. Swan reported that there were two resolutions before the Commission and that the Commission would entertain public comment prior to taking action on the resolutions.

Ms. Swan reported that the Office has been meeting with CAFRA towns in preparation for today's resolution. The meetings held with the towns to address Plan endorsement issues that were still on the table. In addition, the Office continues to meet with other towns that are going through the Plan endorsement process. Pre-petition meetings were held with Lebanon Borough (Hunterdon County) and South Brunswick Township (Middlesex County). Extensions have been provided in accordance with the rules to Mansfield (Burlington County), West Amwell Twp. (Hunterdon County) and Stafford Township (Ocean County). The extensions allow for the towns to get additional requested information to the Office.

Ms. Swan further reported on Cross-acceptance noting that the Office is ahead of schedule and is working diligently with the various State agencies and that there have been staff to staff negotiations with Passaic County, Hudson County and Essex County. The meetings have been going very well and the discussions on the issues have been very productive.

Ms. Swan noted that the Clean Water Council held a meeting and there was an opportunity for her to provide testimony at the public hearing. Additional panelists included Chris Sturm, Eric Snyder, Tony DiLodovico, Dianne Brake, Suzanne McCarthy, Carol Storms, Tony Russo, Julia Somers, and Peter Pogorzelski. One of the specific questions for comment was "should the area WQMP and component Wastewater Plan be required to be consistent with the State Development and Redevelopment Plan." Ms. Swan explained that all of the speakers recommended that the WQMP and wastewater plans be consistent with the State Plan and so her job was made easier. She reiterated the case to the Council that obviously these plans should be consistent if the State Plan is going to work and that there needs to be one consistent message to the municipalities and the planning entities within the State.

Additionally, Plan endorsement meetings were held with the State agencies and the following towns: Egg Harbor Township (Atlantic County), Dennis Township (Cape May County), Lower Township (Cape May County), Middle Township (Cape May County), and Barnegat Township (Cape May County). A Regional Plan Endorsement meeting was also held with three towns in Ocean County: Brick, Lakewood and Dover, this meeting proved to be extremely beneficial.

Next, Ms. Swan reported on the Newton-Hampton Center designation issue. She explained that on September 24, 1993, the SPC designated the Town of Newton as a regional center. In 2002, the Township of Hampton sought a town center designation. The proposed town center directly abutted the existing Newton Regional Center so it was determined that an expansion of the Newtown Regional Center into Hampton would be appropriate. As a result, the Commission adopted Resolution No. 2004-08 on July 21, 2004 amending the State Plan Policy Map for the purpose of expanding the Newton Regional Center to create the Newton-Hampton Regional Center for a 24-month period from the date of the resolution, and further allowed the designation period to be extended through the Plan Endorsement process.

Ms. Swan explained that to date, the Office had not received a Plan Endorsement petition from Hampton Township although the Sussex County Strategic Plan does identify the Newton-Hampton Regional Center. She noted that the expanded center's designation lapsed in July 2006. The Office received a letter, dated August 9, 2006, from Eric Snyder, Sussex County Planning Director, requesting a one-year extension of the center to allow the studies currently in process to continue. After reviewing the request and the information received, staff determined that due to the limited progress on Hampton's Plan Implementation Agenda, the office is unable to recommend the extension of time. Ms. Swan noted that staff would continue to work with the County and both communities in the furtherance of a Plan Endorsement petition that includes an expanded Newton-Hampton Regional Center, while addressing the design, capacity and environmental protection items in the Hampton Township Plan Implementation Agenda.

Chair Foglio opened up the issue for public comment prior to voting on the resolution.

John Eskilson noted for the record that he was recusing himself from the discussion.

Monique Purcell questioned if the County was comfortable with the recommendation. Ms. Swan responded that Planning Director Eric Snyder had been informed and indicated that he is comfortable with the recommendation.

Public Comment on Newton-Hampton Regional Center

Eric Snyder, Sussex County Planning Director, commented that Ms. Swan was accurate in their agreement regarding the Newton-Hampton Regional Center and the County understood the issues involved. The County found that working with two municipalities is much more complex than working

with just one. He noted that the County intends to continue the relationship between the County, the College and two towns and appreciates the help supplied by the Office of Smart Growth to date.

Dan Reynolds, DAG explained that the 24-month center designation expired and there is no need for the Commission to take any further action at this point in time.

EXECUTIVE DIRECTOR REPORT continued

Next, Ms. Swan gave a brief background on the purpose of the second resolution regarding plan endorsement. Ms. Swan noted that as the Office moves forward with the process it has found that each town has different needs and there needs to be a process in place that can be tailored to each community. She indicated that at the last Commission meeting, the Office proposed a mechanism to allow OSG and the State agencies to continue to work with petitions for Plan Endorsement that have outstanding consistency issues through a relaxation of the timelines in the State Planning Rules and by agreement through a memorandum of understanding. She explained that the State Planning Rules do not provide the time necessary for the planning activities to take place, and this penalizes a petitioner for not meeting deadlines thus making OSG either recommend inconsistency or seek the petition's withdrawal. Therefore, the resolution before the Commission allows the OSG to continue to work with petitioners towards plan endorsement by the petitioners waiving their right to the strict timelines through the execution of a Memorandum of Understanding. Any extension authorized by an MOU would reference an agreed upon action plan which describes the specific tasks, establishes a timeline for completion of the items in the action plan and for evaluation of the petition, and conditions the extension on continuing active participation of the petitioning entity in the Plan Endorsement process.

Ms. Swan further explained that the OSG recognizes that at this point in time, the towns seeking CAFRA center designation and needing this extension would not be able to receive Plan Endorsement by March 15, 2007. She noted that if the Commission approves the resolution, staff will schedule meetings with the CAFRA towns and work together with the municipalities and the State agencies to develop new action plans. Once an appropriate and acceptable action plan is created, OSG will require the municipality to authorize the new MOU at a public meeting of the governing body within 60 days. If the municipality chooses not to enter into a MOU, OSG will forward a consistency report to the Commission in accordance with the State Planning Rules.

Ms. Swan noted that some of the advocacy groups had raised concerns with the resolution. One concern is there is no timeline. Another concern raised by the advocacy groups is that they want the MOU and action plan to be reviewed by the Commission and action taken at a public meeting.

Ms. Swan noted that her concern with the SPC signing off on the action plans and MOUs is that it will prolong the process and stop the office from continuing to work with the communities.

Ms. Swan suggested that the Resolution include an 18-month timeframe, to read, "18-months or until new rules for Plan Endorsement are adopted, whichever comes first." She felt that this suggestion would meet the concerns raised by the advocacy groups. On the issue of having the MOUs and action plans endorsed by the Commission, Ms. Swan referred to the fourth "therefore" clause in the resolution where the entity agrees to continue its efforts to achieve plan endorsement, efforts that are contingent on the entity meeting the timelines set forth in the action plan. Ms. Swan suggested that any changes to those timelines be brought to the attention of the SPC at the next meeting so that the SPC would be aware of those changes. OSG and the State agencies agree to the items on the action plans. Action plans are then posted on the OSG website for all to see. If there is something missing that was caught by the public or an advocacy group, there will be an opportunity to correct the action plan at that subsequent SPC meeting.

Lastly, Ms. Swan thanked the entire staff of the OSG for their work on crafting the resolution and MOUs, because the work is not solely done by one staff member and is the effort of everyone.

Chair Foglio opened the floor to public comment after which the Commission members provided their comments on the resolution.

Public Comments on Plan Endorsement Resolution

Barbara Palmer, ANJEC commented that they support the State Plan and Plan Endorsement and would like to see all municipalities engaged in the process. She explained that they are concerned with keeping the process meaningful and rigorous. There are misgivings about the resolution and the MOU that was introduced. They understand that it is intended as an interim mechanism to keep certain petitioners engaged until the Plan Endorsement process as a whole is revised by rule change. However, they feel that the way the resolution is currently worded, the resolution and the MOU go far beyond that. She explained that the resolution as written gives power to all future executive directors to give unlimited extensions at his or her discretion to any petitioner without consulting the Commission and without public input. She noted that from what has already been said that was not what was intended, but it is akin to a rule change if in fact there was a legal basis for going ahead. She stated that they were quite comfortable with the Office of Smart Growth and the staff that is now in place but there was no time limit in the resolution that was handed out. She agreed that the 18-month timeframe was a good step. She explained that one of the reasons why they think that it is not a good idea for only the executive director to have the authority is that it is easy to imagine a situation where the executive director is put under tremendous pressure by a municipality that needs to stay engaged and yet they are not doing the work.

She further noted that ANJEC supports the purpose of the resolution in keeping municipalities working towards good planning and recommended that the resolution more narrowly define the petitions that can be considered for time extensions, the time extension should be strictly limited, the resolution itself be in effect for 18-months or until the adoption of new State Planning Rules, that the executive director have the authority to negotiate the MOU and the action plan, but they then need to be approved by the Commission at an advertised public meeting. Lastly, the resolution and MOU should explicitly exclude any benefits to the filing of the petition except for cooperation by OSG and the State agencies as outlined in the action plan. ANJEC wants the Office to push ahead with the rule change and overall support the interim measures. Lastly, she noted that the Eric Snyder at the last meeting commented that deadlines are good which were not incorporated into the minutes, but ANJEC also feels strongly that deadlines are needed to make the towns take action. Continuing to soften deadlines is not good and they do not want towns to see it that way.

Ms. Swan responded that if all extensions are brought to the Commission, this would give a level of oversight that everyone could be comfortable with. She does believe in timelines, but everyone has agreed that the 45 and 60 day timelines are ridiculous and don't allow for good planning. She noted that the 18-month deadline for the resolution to be in effect should address some of their concerns. As to the approval by the Commission, she feels that the best way to do it is the way she set forth, because the timelines are going to be too difficult otherwise. Her proposal gives the ability for public comment and possible SPC action at that subsequent Commission meeting after the action plans are put into place. Lastly, she noted that when it comes to benefits, there are no benefits that will accrue to applicants within the process except that they are getting the technical assistance of the State agencies and the Office of Smart Growth. She noted that when it comes to COAH, it does say in the third round substantive rules that 3-years after application they will have had to achieve Plan Endorsement or show due diligence to that end.

There was a lengthy discussion amongst the Commission members regarding bringing the MOU and action plan to the Commission for approval, the need for the items to be reviewed in a public session to

allow for public input, the executive director's discretion to allow for extensions and approvals of the MOU and actions plans, and the benefits to municipalities who move forward with an MOU or the process. Ms. Swan noted that if a town did not enter into the MOU, the current Rules for Plan Endorsement would be in effect. The petitioner would move forward with the petition, and a decision would be made to withdraw, be ruled inconsistent, or deemed consistent and endorsed. Ms. Swan noted that the benefits of plan endorsement are reduced costs to the taxpayers as a result of having a good plan for their community at the same time recognizing the expense of conducting studies to come up with the plan.

Also discussed was whether the resolution would apply to all applicants not just the CAFRA towns that are currently in the process. Ms. Swan explained the resolution would apply to all towns because those towns are having the same problems that the CAFRA towns are having, including West Amwell who needs more time to consider planning mechanisms or be deemed inconsistent or withdraw. No town wants to be thrown out of plan endorsement.

Commissioner Purcell noted her complete agreement with the strategy, believing it is the best strategy to continue the partnership with the community. Commissioner Eskilson agreed, but again noted his concern with the benefits to the towns engaged in the process particularly with respect to the environmental benefits. Ms. Swan explained that OSG staff continues to meet with state agencies and the Smart Growth Policy Council on that issue. Commissioner Barnes recommended putting together a clear work plan for municipalities as part of their extension, detailing the steps that need to get accomplished and the schedule for getting them done. Ms. Swan explained that this is accomplished through the action plan.

Commissioner Lennon was concerned with the relationship with the MLUL and public participation when staff is negotiating with a municipality to change its master plan. She wants to keep everything transparent.

Candace Ashmun commented that she applauded Ms. Swan's changes suggested, but they may have not gone far enough. She noted that it was not clear to her as to whom the resolution would apply to and suggested that it should clearly state who it would apply to. She also noted that she felt that it did not meet the public exposure criteria. She suggested that perhaps having it reviewed by a committee at a public session would help. She felt it was unclear as to whether or not the action plan would be discussed in a public session or that any activity at the municipal level would be up for public discussion.

There was a brief discussion on what would happen if there were concerns raised after the MOU and action plan were signed. Ms. Swan indicated that the SPC could raise errors or omissions at the Commission meeting after the Action Plan and MOU are signed. Ms. Swan also confirmed that the Resolution applies to all towns and the Action Plan is narrow, focusing on what needs to be done to achieve consistency, not completeness. Completeness is when we get all the documents, consistency is once we start reviewing them and determine that the documents are consistent or inconsistent with the State Plan and if inconsistent how that may be addressed to satisfy the agencies to achieve Plan Endorsement.

Ms. Ashmun also suggested that the deliverables in the action plan refer to consistency, noting that there was no mention of consistency in any of the requirements.

Commissioner Purcell commented that the action plan was only keeping the municipality in the process, so the process itself has a built-in public participation process and that all the Commission is trying to do is keep the towns in the game.

Commissioner Pruitt noted that that there was a consensus on the content, and everyone believes it is a good idea but maybe the resolution should be clarified or simplified to bring clarity to it. There was

discussion on how the Commission might craft a response endorsing the process and not adopting the Resolution. Ms. Swan suggested that the "whereas" clauses could be shorter, but the "now therefore be it resolved" clauses are the actions we are required to take.

DAG Reynolds noted for the record that any resolution the Commission may adopt today could be amended at any subsequent meeting if there is a sense the resolution did not articulate properly or address properly all the concerns that the Commission deems appropriate to address.

Ms. Swan stressed that the resolution was never intended to get CAFRA towns to the March 2007 deadline, but that it is to keep them at the table and keep working with them. Ms. Swan explained that each municipality has been told that it will not get them to the March 2007 date. She noted that planning has to be done and DEP has to be satisfied with the planning, because they have jurisdiction over CAFRA. Commissioner Lennon stressed her concern about the time constraints relating to the DEP CAFRA rule and the standards for plan endorsement.

DAG Reynolds noted that the resolution proposes a mutual agreement to extend the time period for OSG and the municipalities to pull together the petition in a form that is appropriate for consideration by the Commission and its committees. OSG will not be making a determination that binds the SPC since neither OSG nor the committees can bind the SPC. The resolution only deals with getting through the first phase of the process so that the petition is in an appropriate form for consideration. The time frames that are currently in the rules prevent the development of the petition, and therefore OSG and the municipalities need the additional time to work together to get the petition in an appropriate form for consideration.

Commissioner Purcell suggested that if everyone agrees on the concept then they should vote on the resolution and amend it to narrow down the language in the preamble so that there is more clarity. Ms. Swan stated that the communities that OSG met with will agree on entering into an MOU and action plans as long as they know they had the Commission's approval to move on those, and that they weren't going to focus on the resolution because they were concerned more with how to move forward. She also noted that hearing from the advocacy groups, she would like to include the 18-month period in the resolution and she would also like to clarify by taking out the word "currently" in the "now therefore be it resolved" and anywhere else it is stated to address the concern of who the resolution applied to.

With those changes George Pruitt noted he would move the resolution. Chair Foglio noted that there were two other individuals that wanted to speak on the resolution.

Chris Sturm, New Jersey Future thanked the Commission for the opportunity to speak and applauded the 18-month timeframe and that it was the right thing to do. But she had some big concerns that were somewhat tempered by the 18-month sunset because there will be a chance to revisit it when the rules are revised for Plan Endorsement. She noted that the Commission should think carefully about the Commission's role in the action plans and defining the bar for endorsement up front. She feels the big decision is not going to be at the end when the SPC says yes or no, it is going to be up front when you say this is what you have to do to get endorsement and hopefully the final decision will be a simple check. The action plans reflect the agency input, and the Commission needs to be able to hold those agencies to those requirements that they are defining with OSG in the action plans. She would be concerned with only OSG as the signatory on the action plan and would at least want the Commission to consider it. She suggested that the Commission think about being a signatory to the MOU to show that it reflects a broader consensus.

Ms. Sturm also noted that because there are no standards set and they don't know what the standards are for Plan Endorsement, the guidelines are really not clear, so how would the OSG determine the action plan on the staff level is something that they would want some input on. She also questioned if there was a time limit on the action plans. She also suggested that perhaps for the next round of rule

revisions that the Commission should be able to send an application back and say that you really need to do a little work before you even enter the process.

Lastly, Ms. Sturm noted that she feels that the action plans should be aired locally. Chair Foglio noted that the action plans be aired locally because a municipality can not enter into a MOU unless there is a public meeting.

Ms. Swan explained that in the second whereas on page 3, it would be amended to say that "all extensions would be brought to the attention of the State Planning Commission." The SPC then has the opportunity to amend the action plan and MOU for errors and omissions.

Tim Dillingham, American Littoral Society commented that they had a number of concerns about the concept of softening deadlines, but appreciates Eileen's and Debbie's comments that the relaxation of deadlines is not meant to effect the CAFRA rules. He asked that that concept be made clear in the resolution. He also suggested that there should be a clear articulation of the requirements that towns face in the permitting process to avoid the problems created by not having standards and reduce the cost and time of the regulatory processes without shortcutting it. Mr. Dillingham also wants a better opportunity for public input on the MOAs and the action plans and noted that it was good to see that the Commission recognizes its role of integrating the various state level programs into one place and finding a way to deliver that.

James Alexis, municipal clerk and business administrator for the Township of Middle, advised that he is representing the governing body of Middle Township and their endorsement of the resolution that was before the Commission. He noted that they have been in the process for ten years and have been trying to do their due diligence. He explained that they have spent over a half million dollars of taxpayer's money attempting to do due diligence. In addition, he noted that the DCA gave a \$50,000 grant which was also expended for this purpose. He explained that for the first time in ten years they see a process that has a beginning and an end to be able to get them through Plan Endorsement by a form of a contract between the State and the municipality. Middle Township feels this will bring stability to the process, barring any changes in staff which is unforeseen, because it will put the entire contract and process in writing and the municipalities that sign the MOU fully understand what is going on. In order to keeping moving forward, they are looking at a timeline that is longer than three months or longer than six months. It is physically impossible to meet all the criteria in those time constraints. He noted that they met with the OSG and established a timeline, and were looking at somewhere toward the end of 2007 before we start to get close with their plan petition and completing all the elements. Lastly, he noted that Middle knows that the March 2007 is a drop dead date and they were one of the towns that fought to have it extended, they are not happy with that date, but are trying to live with the date and move forward.

With no further comment, John Eskilson seconded George Pruitt's motion with the amendments. Ms. Swan asked for clarification on whether the suggestion of the language change from Tim Dillingham was part of the amendments.

DAG Reynolds suggested that they take the language from the MOU and incorporate it into another "whereas" clause, so that it is clear that the intent of the Commission in adopting this resolution recognizes that the CAFRA centers expire at that time and that is not intended in any way to effect that.

George Pruitt noted that his motion incorporates that language and John Eskilson concurred. Chair Foglio asked for a role call vote. Ayes (11): Bernard McLaughlin, John Eskilson, Adam Zellner, Brent Barnes, Monique Purcell, Marilyn Lennon, Marge DellaVecchia, Debbie Mans, Thomas Michnewicz, George Pruitt and Chris Foglio. Nays (0). Abstains (0). Motion approved.

Chair Foglio moved to general public comments.

General Public Comments

Chris Sturm, New Jersey Future, commented that it is critical that the State Plan and revisions to the Water Quality Management Planning Rules be linked and coordinated. She advised of a meeting between Lisa Jackson and the environmentalists at which Commissioner Jackson stated that the WQMP rules will not have strict consistency requirements between a sewer service area and a specific planning area, and NJFuture is okay with that since the State Plan is not perfect and you are working to improve it. However, there needs to be links between the two maps negotiated between DEP and OSG. She also noted that NJFuture wants to see in the rules that counties will be engaging in the Plan endorsement process.

Ed Fox, Director of Camden County Planning, speaking on behalf of the County planning board, the Improvement Authority and the Camden County Board of Freeholders commented that he was asking if there was a written opinion from the DAG regarding the adoption of a new Preliminary Policy map on July 19th available for public review.

Ms. Swan responded that the DAG had given his opinion as was promised to the State Planning Commission. She further noted that at the last meeting it was discussed that the State Planning Commission members would have the opportunity to review it and that it was their decision as to whether it would be a public document or was to be considered solely attorney-client privilege.

Mr. Fox noted that he appreciated the update. He also addressed a letter that he had written earlier in the week noting his concerns that when the map was adopted it looked as if the transcripts of the meeting and the minutes of the meeting started off as one thing, which was informational stuff from DEP and the OSG and ending up being adopted as a map. He expressed his concerns that adopting maps should be a transparent process because it means real things. They are also concerned that there is a process that has been followed for 20 years on how to adopt plans and how to amend them and it didn't appear to be followed. He feels the negotiation document submitted in 2005 was not looked at and a new map was made outside the process. They are okay with looking at new information, but not having it forced down their throats.

Chair Foglio responded that she had reviewed the DAG opinion and feels that there was nothing in the document that was privileged and would help shed the light on some of Mr. Fox's concerns. Chair Foglio polled the Commission members as to their thoughts. She explained that she had one concern because she may be doing work with Camden County or presenting before the County boards that Mr. Fox was representing, and noted she would be recusing herself from any issues that Camden County currently has before the Commission.

DAG Reynolds clarified that the opinion was not intended to respond to any specific county and that the Attorney General's office provides advice to State officials and State agencies, not to municipalities and counties.

John Eskilson indicated that he personally did not have any concerns with releasing the opinion and ask DAG Reynolds for his direction. DAG Reynolds responded that it was not his privilege, it was the client's privilege and was entirely up to the Commission. George Pruitt made a motion to move that the opinion received from the DAG be made part of the public record. Marilyn Lennon seconded the motion. With no further discussion on the matter, Mr. Eskilson asked those in favor say "aye". All were in favor no one opposed or abstained. Motion carried.

Ms. Swan noted for the record that in response to Mr. Fox's comment about the 2005 information that was given to OSG on cross-acceptance that it was indeed reviewed by the OSG and she did not want Mr. Fox to think the information sent in by the counties was not reviewed. It was not shown on the

amended preliminary map and would be mapped at the end of the negotiations as is the normal process. There was a brief discussion that the information being put on the map was for negotiation. It was confirmed that it was absolutely up for negotiation and it would go through the public process. The information is on the website, letters have gone out, and there will be 21 meetings with the counties followed by 21 public county meetings and six public hearings, there will be a lot of time for public input.

Chair Foglio noted that the minutes of the last meeting were not approved earlier in the meeting due to a lack of affirmative votes.

DAG Reynolds commented that there was a motion made previously to approve the minutes of the last meeting, but having only 8 affirmative votes it did not pass. Two members of the Commission arrived after that vote was taken. John Eskilson noted that after reviewing the minutes a correction was needed on the last page, which had his name seconding the motion for adjournment, but this should be amended as he was not present.

George Pruitt reintroduced the motion and it was again seconded by Monique Purcell. Roll call for those not present for the initial vote at the beginning of the meeting: Ayes (2) Marilyn Lennon, Marge DellaVecchia. Nays (0). Abstain (0). Motion carried and the minutes of the September 20, 2006 meeting were approved as amended.

Chair Foglio noted that since the resolution regarding the Action Plans and MOU passed, the PIC meeting for the following week was cancelled.

With no further comments from the Commission. Chair Foglio asked for a motion to adjourn, the motion was moved by John Eskilson and seconded by Marilyn Lennon. All were in favor. The meeting was adjourned at 11:42 a.m.

Respectfully submitted,



Ms. Eileen Swan
Secretary and Executive Director

Dated: November 17, 2006