

Disclaimer

These minutes reflect the actions taken by the Commission during its March 13, 2015 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 April 6, 2015

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

MINUTES

**March 13, 2015**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Richard Prickett, Robert Jackson, Ed McGlinchey, Gary Quinn, D'Arcy Rohan Green and Fran Witt by telephone. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Tyler Yingling and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Ed Lloyd, Jane Jannarone and Chairman Mark Lohbauer.

Vice Chairman Avery called the meeting to order at 9:36 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 12 Commissioners present.)

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

### Minutes

Vice Chairman Avery presented the minutes from January 30, 2015 Special Commission meeting and the February 13, 2015 Commission meeting (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the January 30, 2015 Special Commission meeting were adopted by a vote of 11 to 0, with Commissioner Rohan Green abstaining.

The minutes of the February 13, 2015 Commission meeting were adopted by a vote of 12 to 0.

### Committee Chairs' Reports

Vice Chairman Avery said there were no Committee reports.

### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Pinelands Municipal Council met on March 10<sup>th</sup> in Maurice River Township. The Council did not have a quorum. There was a presentation on the Battle of Dallas' Landing archeology project.
- Staff has begun to prepare the Fiscal Year 2016 Budget. The Commission's state appropriation has remained the same, with an additional \$30,000 to be used for technology upgrades.
- The Short Course will take place this Saturday at Stockton University.

Mr. Paul Leakan added that about 500 people have signed up and he expects that there will be more sign-ups during the morning of the event.

Ms. Wittenberg said that 50,000 new Pinelands National Reserve brochures have been printed by the National Park Service and delivered to the Commission office.

Mr. Leakan said that an additional 50,000 brochures are at Brendan Byrne State Forest for distribution. He said that a total of 100,000 brochures were printed.

Commissioner Prickett asked about the life span of the brochure.

Mr. Leakan said the information in the brochure was chosen in such a way that the brochure can remain valid for many years.

Commissioner Prickett asked if the Commission maintains a history of the NPS brochures.

Mr. Leakan said that in the Commission's library past brochures and other important documents are available for review.

Mr. Larry Liggett updated the Commission on the following:

- He said last year the Commission approved Hammonton's Long Term Comprehensive Wastewater Plan to eliminate the discharge of treated wastewater into Hammonton Creek. He said work is ongoing on that project. The goal is that by September of this year both the overland drip irrigation system and the underground drip irrigation system will be completely installed and functioning. The Town of Hammonton notified the Commission last week that, due to severe weather, there was a need to temporarily discharge treated wastewater into the stream.
- Staff recently met with representatives of the Federal Emergency Management Agency (FEMA) to discuss the digitization of the Commission's cultural resource data. FEMA scanned about 4,800 of the Commission's cultural resource surveys about two years ago. FEMA then mapped that data, which included both positive and negative survey results.

Commissioner Ashmun raised concerns over having the positive cultural sites mapped. She said that in the past, that information was private.

Mr. Liggett said that the Commission's protection of these sites will not change. He said information on cultural resources will not be made available to the general public.

Commissioner Galletta said that Hammonton has done a good job of not discharging into the stream considering the harsh winter. He said he is optimistic about the Town's Comprehensive Wastewater Plan.

Mr. Chuck Horner provided an update on the following:

- Staff has had a series of meetings with Waterford Township officials and the owners of the Atco Raceway. The raceway would like to install additional parking areas.
- Staff met with Hammonton officials to discuss tree removal at the municipal airport. The Federal Aviation Administration (FAA) is requiring the clearing of the trees for the safe landing of aircrafts.
- Staff met with Southampton Township officials to discuss expansion and/or reconstruction options for the Township's Department of Public Works facility.

Commissioner Ashmun asked if the airport is removing the trees to accommodate bigger airplanes.

Mr. Horner said at this time the airport is only clearing trees to be consistent with FAA regulations.

Commissioners discussed airport safety measures.

Public Development Projects and Other Permit Matters

Vice Chairman Avery said there is one public development application that is being recommended for approval today.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1987-1058.060) (See Resolution # PC4-15-06). Commissioner Brown seconded the motion.

Commissioner Prickett asked if the pump station mentioned in the report had been built and was being moved.

Mr. Horner said the Commission approved a public development application in 2010 for the development of a pump station that was never constructed. The resolution that is about to be voted on is for the construction of a pump station in a different location.

The Commission adopted the resolution by a vote of 12 to 0. All voted in favor.

Resolutions Relating to Municipal Ordinances

Vice Chairman Avery said there were no ordinances to report on this month.

Public Comment on Agenda Items and Pending Public Development Applications

Mark Demitroff submitted written comments concerning Application #2009-0089.001. (See attached)

Fred Aker, a Buena Vista Township resident, said he was commenting on Application #2009-0089.001. He said this application is complicated and he will be providing comment on the process rather than the merit of the application. He provided a portion of the 2014 3<sup>rd</sup> Quarter Management report with a history of Application # 2009-0089.001. He read a portion of a Pinelands Commission press release from August 14, 2009 about a Community Wastewater treatment plant in which the Commission provided a \$100,000 grant to Buena Vista Township to study and build a package treatment plant in Richland Village. He said Buena Vista Township developed numerous applications without applying to the Commission. He said Buena Vista Township has not acted in good faith even though the Commission has gone to great lengths to work with the municipality. He said he is not sure how to accomplish a positive outcome to this situation and he is not optimistic that Buena Vista Township will comply with the Commission's regulations. He recommended that this application be reviewed by the Policy & Implementation Committee before coming to the full Commission.

Mr. Horner displayed an aerial photograph of the development site associated with Application # 2009-0089.001. He said Application # 2009-0089.001 is for the construction of the tourist railroad station. Mr. Horner said that the Richland Village Redevelopment Plan and the prior proposal to provide a community wastewater system are not part of this

application. He said that Buena Vista Township has filed and completed an application to resolve development that was done in violation. He said the portions of the aerial that are highlighted in purple are related to the development areas. He said there are five gravel parking areas being proposed and stormwater management facilities.

Mr. Horner said the Commission previously approved an application for sidewalks along Route 40 in Buena Vista Township (Application # 2004-0319.001). The stormwater management that was proposed as part of the application was either never built or the stormwater swales were filled in. A portion of the required stormwater management for the sidewalks will be addressed in Application # 2009-0089.001. At this time, Application #2009-0089.001 will be on the Commission's April 10, 2015 meeting agenda.

A conversation followed about stormwater management basins in Buena Vista Township.

Denise Garner, a member of the Jackson Township Environmental Commission, said that in her role at the Township she reviews all stormwater management reports. She said there are many factors that can contribute to a basin not functioning properly. She said she has reviewed stormwater reports that have been cut and pasted with incorrect data. She said proper stormwater basin calculations and installation are key in keeping groundwater clean.

#### Ordinances Not Requiring Commission Action

Vice Chairman Avery asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Manchester Township Ordinance 14-022
- Pemberton Township Ordinance 15-2014

No members of the Commission had questions.

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

Vice Chairman Avery asked the Ms. Wittenberg if there was any new information about the BL England pipeline.

Ms. Wittenberg said there is no new information.

Vice Chairman Avery asked DAG Heinzerling if there were any resolutions concerning South Jersey Gas.

DAG Heinzerling said no.

Cidnie Richards asked if there is any news regarding the Ad Hoc Committee on Memorandum of Agreements (MOAs) and waivers.

Vice Chairman Avery said Chairman Lohbauer is finalizing his plan for the Ad Hoc Committee.

Ms. Richards asked about the status of the Agricultural Committee.

Fred Akers of the Great Egg Harbor Watershed Association said he recently attended a land conservation rally. He said at that rally he watched a presentation on water conservation efforts in Hammonton. He said Hammonton Municipal Utilities changed the rate structure, which has reduced water consumption in the town.

Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss pending litigation matters.

Commissioner Ashmun moved to retire into closed session. Commissioner Prickett seconded the motion. The Commission agreed to retire into closed session by a vote of 12 to 0, beginning at 10:36 a.m.

Return to Open Session

Commissioner Jackson made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 11:31 a.m.

Vice Chairman Avery said pending litigation and personnel matters were discussed in closed session and no action was taken.

Adjournment

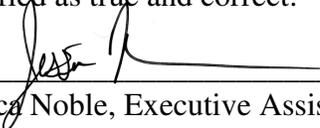
Commissioner Prickett asked if it was possible to get a chronological timeline of events for Application # 2009-0089.001.

Commissioner Ashmun asked if this was the last of the violations in Buena Vista Township.

Commissioner Prickett said he was excited about the Short Course this weekend.

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Rohan Green seconded the motion. The Commission agreed to adjourn at 11:34 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: March 19, 2015