

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
Friday, May 29, 2015– 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Candace Ashmun, Sean Earlen, Paul E. Galletta, Ed Lloyd and Richard Prickett

OTHER COMMISSIONER PRESENT: Alan W. Avery, Jr. (*As he is not a member of this Committee, Commissioner Avery did not vote on any matter*)

STAFF PRESENT: Executive Director Nancy Wittenberg, Larry Liggett, Susan R. Grogan, Charles Horner, Paul D. Leakan, and Betsy Piner. Also present was Chris Howard with the Governor’s Authorities Unit.

Chairman Lohbauer called the meeting of the Policy and Implementation (P&I) Committee to order at 9:38 a.m.

1. Adoption of minutes from the April 24, 2015 CMP Policy & Implementation Committee meeting

Commissioner Galletta moved the adoption of the April 24, 2015 meeting minutes. Commissioner Ashmun seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

2. Pinelands Conservation Fund- Request from the New Jersey Conservation Foundation for an advancement of funding prior to closing

Ms. Grogan said that the New Jersey Conservation Foundation (NJCF) has submitted a written request for advance funding prior to closing on the Zemel project. She said that this 475 acre parcel in Woodland Township’s Preservation Area District represents the final grant awarded from the Pinelands Conservation Fund. She said that under the grant agreement, the applicant can provide a written request for payment in advance of closing and this Committee is authorized to approve the request. The difference for this project is that the Commission no longer has a facilitator to hold the check prior to closing. For this case, the Commission will ask NJCF to sign an agreement to return the check if closing has not occurred within 30 days of the scheduled closing date. For now, that settlement date is to occur during the week of June 15, 2015, but it is expected to be narrowed shortly.

Commissioner Prickett moved to provide funding to the New Jersey Conservation Foundation in advance of closing for the Zemel project in Woodland Township. Commissioner Galletta seconded the motion. Four Committee members voted in favor and Commissioners Ashmun and Lloyd abstained.

3. Other Items of Interest

Ms. Wittenberg said last week the Commission had received a revision to South Jersey Gas' existing application for a pipeline to serve the B.L. England electric generation plant. She said it is currently under review by staff. This is a private application that will be processed by staff and will not go before the Commission; the Regulatory Programs office will issue a Certificate of Filing, consistent or inconsistent. She said, recognizing the public interest in the matter, conversations have begun with the Attorney General's office as to how there might be an opportunity to provide greater public and Commission input on the matter.

Mr. Leakan displayed on the Smart Board the Commission's web page containing information regarding South Jersey Gas' revised application <http://www.state.nj.us/pinelands/home/sjg.shtml>

In response to Commissioner Galletta's question if the current appeal of the Commission's denial of the Memorandum of Agreement (MOA) will proceed, Ms. Wittenberg said yes, as far as she knew.

In response to Commissioner Ashmun's question if the material that will be provided to the Commissioners now will include the original submission, as this is an amendment, Ms. Wittenberg said she would check with Regulatory Programs to see how the application materials would be made available.

3. Public Comment

Mr. Arnold Fishman, a resident of Medford Lakes Borough, addressed issues related to the amended South Jersey Gas application. He said he felt it to be an issue that requires a determination by the full Commission. He said if the appeal still exists, there is a question as to where the jurisdiction lies. He said staff previously determined this application to be non-compliant, which is why an MOA was developed. He also questioned the differences in the new application and if it contained newly discovered evidence, that which could not have been discovered previously. He said there are serious issues to be examined.

Ms. Fran Brooks, a resident of Tabernacle Township, asked if the staff had completed its meetings with interest groups on the issue of special events on farms.

Ms. Grogan responded that the first round of meetings is complete although there may be additional meetings going forward.

In response to Ms. Brooks' question regarding with whom staff had met at the New Jersey Department of Environmental Protection (NJDEP), Ms. Wittenberg responded, Ms. Judeth Yeany.

Ms. Marianne Clemente, a resident of Barnegat Township, referencing the compliance statement issued by S.J. Gas regarding the pipeline application, asked how the applicant could be in compliance with the Comprehensive Management Plan.

Chairman Lohbauer responded that there would be no comment on the application at this time.

Ms. Clemente said, if S.J. Gas proceeds with a private application, she hoped staff would look at it closely and, in the interest of the public, the Commission should have a mechanism in place to allow the Commissioners to play a role.

Ms. Ann Kelly, a resident of Mt. Laurel Township, said all pipelines fail and leak. She said she didn't see how a pipeline could help the Pinelands and she didn't think the project was good for New Jersey or the Pinelands. She said there needed to be a movement to more environmentally safe energy sources. She said we are "piecemealing" the Pinelands apart.

Commissioner Ashmun asked if there were copies of the permits granted to S.J. Gas by other agencies, e.g. NJDEP and the Department of Transportation.

In response to Ms. Wittenberg's response that staff would check, Commissioner Ashmun said at the least, she'd like to see a list of permits.

Commissioner Avery added that, when a list of permits is developed, he would like to know if they were approved, denied or appealed.

The meeting adjourned at 9:58 a.m. (moved by Commissioner Ashmun and seconded by Commissioner Prickett).

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: June 3, 2015