

Disclaimer

These minutes reflect the actions taken by the Commission during its October 11, 2013 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 October 22, 2013.

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

MINUTES

October 11, 2013

Commissioners Present

Candace Ashmun, Bill Brown, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, John Haas, Robert Jackson, Ed Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg and Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General (DAG) Kristen Heinzerling.

Commissioners Absent

D'Arcy Rohan Green and Joe DiBello.

Chairman Lohbauer called the meeting to order at 9:38 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum.

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 September 13, 2013 (open and closed session) Commission meeting minutes. Commissioner Prickett moved the adoption of the minutes. Commissioner Jackson seconded the motion.

The minutes of the September 13, 2013 Commission meeting were adopted by a vote of 13 to 0.

Committee Chairs' Reports

Plan Review Committee

Commissioner Ashmun said the Plan Review Committee will meet today after the Pinelands Commission's regular meeting.

Personnel & Budget Committee

Commissioner Haas updated the Commission on action from the October 1, 2013 Personnel & Budget Committee meeting.

The Committee adopted the minutes from the July 2, 2013 meeting.

Chairperson Haas recommended that staff develop a draft plan of how to fund additional land acquisitions for discussion at the next Personnel & Budget Committee Meeting. He believes it is very important and timely as the price of land will not get cheaper and CRI will no longer be in existence. The Commission will need to look into other resources to administer the land acquisition program, including other public agencies.

The Committee discussed the Financial Internal Controls. A resolution prepared by the Audit Committee was reviewed. Chairperson Haas reviewed the history of the Audit Committee. Following the discussion, the Committee recommended Commission approval of the Resolution to Develop a Plan to Strengthen the Commission's Internal Financial Controls.

Donna Connor provided an update of the FY2013 financial reports. A discussion arose about the impacts of the federal government shutdown on the Commission. If the shutdown continues, it will have a negative impact on the Commission, as work by USGS and US Fish & Wildlife will be halted.

The Committee approved the Equipment Capitalization System Deletion totaling \$12,994.00.

Policy & Implementation Committee

Chairman Lohbauer updated the Commission on action from the September 27, 2013 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of the August 28, 2013 meeting.

The Committee recommended certification of documents submitted by:

Town of Hammonton – Ordinance 011-2013: revising permitted uses in the AP/CLI (Agricultural Production/Compatible Light Industry) Zone and reducing the size of the zone; and

South Toms River Borough – original certification of the Borough’s Master Plan and Land Use Ordinances, bringing this last of the 53 Pinelands municipalities into conformance with the Pinelands Comprehensive Management Plan (CMP).

The Committee listened to a presentation from South Jersey Gas (SJG), primarily in response to various questions that have been posed in recent months about the proposed pipeline project.

The Committee directed staff to draft a Memorandum of Agreement (MOA) between the Commission and the Board of Public Utilities, authorizing the construction of a gas pipeline through the Forest Area.

The Committee received comment from three dozen individuals regarding the proposed pipeline.

Executive Director’s Reports

Ms. Wittenberg updated the Commission on the following:

- She recently met with New Jersey Department of Environmental Protection (DEP) Commissioner Bob Martin. At that meeting, the Forestry Memorandum of Understanding (MOU) was discussed, as well as land acquisition.
- She said that the Pinelands Municipal Council Meeting was held in Bass River on September 30. At that meeting, Ms. Wittenberg provided an update on Plan Review and the status of enduros.

Mr. Larry Liggett updated the Commission on the following:

- The Water Supply Advisory Committee met at the Commission. At that meeting, both John Bunnell and Mr. Liggett delivered presentations on the Kirkwood-Cohansey study. The Committee is interested in ensuring that both DEP and the Commission use similar modeling, techniques and tools.
- Staff met with U.S. Geological Survey (USGS) on the rapid landfill assessment study. USGS has been making good progress on the study. At this time 40 landfills have been modeled. Staff will now implement a plan on how to use the data from the study.
- The Commission is partnering with the State Soil Conservation District, Department of Agriculture, DEP, and the New Jersey Builders Association to investigate storm water basins. The group will research which basins work, which basins are not functioning and the reasons why.

Mr. Chuck Horner updated the Commission on the following:

- On September 30, 2013, staff met with the Department of Transportation (DOT) to discuss proposed and existing stormwater basins along Route 72 and West Bay Avenue. Mr. Horner indicated that DOT contacted the Commission regarding a public safety issue raised by the stormwater management swales along Route 72 that flood at the intersection.
- On September 24, 2013, staff met with DEP to discuss an existing lake pesticide MOA between the two agencies. At that meeting, potential improvements to the pesticide permitting process were discussed.
- On October 9, 2013, staff met with Atlantic City Electric representatives to discuss the ongoing maintenance of its right-of-way line.
- Tabernacle Township has requested staff be present at a meeting on October 31, 2013 to discuss an application to expand the existing municipal building.

A general discussion ensued regarding the background to the Route 72 situation and the requirements to meet the CMP stormwater standards.

Ms. Stacey Roth reminded Commissioners that they are required to complete on-line ethics training by November 12, 2013.

Ms. Susan R. Grogan said the FY13 Pinelands Development Credit (PDC) Bank Annual Reports were distributed. She said there have been some sales and redemptions during the past month.

Commissioner Haas asked how many acres of land have been preserved under the PDC program.

Ms. Grogan said about 52,000 acres have been preserved through the PDC program and over 60,000 with both the PDC and state and county farmland preservation.

Public Development Projects and Other Permit Matters

Commissioner Galletta moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1982-3981.005 & 1987-0565.013) (See Resolution # PC4-13-35). Commissioner Brown seconded the motion.

Application #1987-0565.031 (NJDEP- construction of a storage building in Jackson Township)

Commissioner Ashmun pointed out that the 50% expansion of a non-conforming use can only be utilized once.

Commissioner Prickett asked how the Commission tracks that the 50% expansion has not already occurred.

Mr. Horner said there is a review of the archived development applications and the overall development history of the parcel.

The Commission adopted the resolution by a vote of 13 to 0.

Resolutions Relating to Municipal Ordinances

Commissioner Galletta recused himself and left the room.

Commissioner McGlinchey moved the adoption of a Resolution Issuing an Order to Certify Ordinance 011-2013, Amending Chapter 175 (Land Development) of the Code of the Town of Hammonton (See Resolution # PC4-13-36). Commissioner Ashmun seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Commissioner Galletta returned to the room.

Commissioner Ashmun moved the adoption of a Resolution Issuing an Order to Certify the Master Plan and Land Use Ordinances of the Borough of South Toms River (See Resolution # PC4-13-37). Commissioner Ficaglia seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

No public comment was offered.

Other Resolutions

Chairman Lohbauer introduced Mr. Jim Smith, Chairman of the Audit Committee.

Mr. Smith explained the resolution provided to the Commissioners, noting that it captures the Committee's recommendation to reinforce the Commission's internal controls.

Commissioner Haas moved the Resolution To Develop a Plan to Strengthen the Commission's Internal Financial Controls (See Resolution #PC4-13-38). Commissioner Witt seconded the motion.

Commissioner McGlinchey questioned why we were adopting this resolution when the Commission has had a clean Audit since 2008.

Chairman Lohbauer said that while the State Auditor said the current internal controls were adequate they could be improved.

Ms. Wittenberg added that the Commission has reviewed and identified the current internal controls in place. The Commission has an accounting firm that performs conversions of the Commission's financial reports into financial statements. In the near future, the contract for the Commission's outside accountant will be re-bid. When the Commission goes out to

bid we will include language in the proposal to have the accountant review our records on a quarterly basis.

Chairman Lohbauer said this is a never-ending process, and the controls will continued to be revised.

The Commission adopted the resolution by a vote of 13 to 0.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinance 2013-09
- Bass River Township Ordinances 2013-05, 2013-06 & 2013-07
- Evesham Township Ordinance 17-6-2013
- Monroe Township Ordinance 0:03-2013 & 0:11-2013

No members of the Commission had questions.

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

Janelle Blackmon, CWA Local 240, clarified her comments from the September Commission meeting. She said nothing stated at the September meeting was meant to degrade any member of the science office or any member of staff. She said she was only trying to highlight the current state of the office. She said staff morale is low and employees fear for their future. She said she is happy to defend her comments. She was curious why the lawyer was paid so lavishly for two years and negotiations remain unresolved. She offered to go to the Governor's office with management to find a solution.

Ms. Wittenberg responded that the Commission's efforts with regard to contract negotiations have been consistent with state policy and the Commission's personnel policies. She noted that, the labor attorney costs were reviewed and, from the establishment of the union, the Commission has spent \$130,000.

Lee Rosenson, Pinelands Preservation Alliance and New Jersey Audubon, said there is no reason to approve the pipeline. The pipeline offers no benefit to the Pinelands and it violates the CMP. He urged Commissioners to protect the Pinelands by enforcing the CMP. He said the more society spends on fossil fuels, the less there will be for sustainable energy.

Bill Wolfe, NJ PEER, provided background on his education and work history. He urged Commissioners to halt discussion on the MOA and look at the Commission's obligation to climate change and air quality, and hire an independent consultant to supplement Commission's staff's review of the pipeline.

Morgyn Ellis, NJ Watershed Ambassador, introduced herself and said she would be part of the 2014 Pinelands Short Course and the upcoming world Water Monitoring day at Batsto. She said she looks forward to working with the Commission.

Fred Akers, Great Egg Harbor Watershed Association, presented some posters of alternate routes for the pipeline. He referenced slide 6 of South Jersey Gas' September 27, 2013 presentation(http://www.state.nj.us/pinelands/images/pdf%20files/SJG_Pinelands_Presentation_2013_09_27_final.pdf). He said there is a possibility of connecting to an existing pipeline and installing the pipe to run along Route 50. He said the alternatives that have been presented to Commissioners are not sufficient. He is disappointed that the Board of Public Utilities is not more involved in the process, when the Commission may potentially enter into an MOA with them. He said he hopes that Commissioners will push to investigate the Route 50 alternative pipeline route.

Georgina Shanley, CURE, said as a member of the public she has not received answers to questions raised by Commissioner Ashmun, including whether there is a need to repower B.L. England and details about the secondary impacts of repowering the plant. She read a letter (see attached) and invited Commissioners and staff to a presentation where Mr. Kevin Heatley, Theresa Lettman and Ron Hutchinson will speak about the effects of the pipeline at the Unitarian Congregation in Pomona on October 16, 2013 at 7:00 p.m.

Lee Snyder, Sierra Club, said if the Commission does approve this pipeline, it will open the door for other pipelines in the future.

Bridget Reilly, Medford Lakes, NJ said there is no need to negotiate the pipeline and asked Commissioners to shelve the MOA.

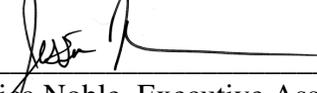
Margo Pellegrino, Medford Lakes, NJ said climate change is upon us and asked Commissioners not to condemn the people of the Pinelands and future generations with this pipeline.

Adjournment

Chairman Lohbauer reminded Commissioners and the public that the next Policy & Implementation Committee meeting will be held on Wednesday, October 23 at 1:30 p.m.

Commissioner Ashmun moved to adjourn the meeting. Commissioner Jackson seconded the motion. The Commission agreed to adjourn at 11:01 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: October 18, 2013