

Disclaimer

These minutes reflect the actions taken by the Commission during its October 5, 2009 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 5, 2009.

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

Minutes

October 5, 2009

Commissioners Present via Conference Call

Candace Ashmun, Guy Campbell, Leslie M. Ficcaglia, Paul E. Galletta, Daniel M. Kennedy, Stephen Lee, III, Judith Y. Link, Edward Lloyd, Francis A. Witt and Acting Chairman, Norman F. Tomasello. Also present were staff members Stacey Roth and Nadine B. Young and Deputy Attorney General Amy Donlon.

Commissioners Absent

William Brown, John A. Hass, Robert Jackson*, and Robert McIntosh

*It was noted that Robert Jackson did not attend the meeting due to conflict of interest in the listed agenda item and therefore recused himself from any and all discussion.

Acting Chairman Tomasello called the meeting to order at 10:10 a.m.

Deputy Attorney General Donlon read the Open Public Meetings Act Statement.

Ms. Roth called the roll.

Ms. Roth indicated that Mr. Stokes could not be present today due to an emergency matter.

Ms. Roth indicated that the purpose of the meeting today is to discuss a motion that was received requesting interlocutory review concerning a decision rendered in an Office of Administrative Law matter for proposed development in Hamilton Township. The applicant is D.D. Residential

and the development is known as Hamilton Greene. The parties had engaged in motion practice for summary decision. The Administrative Law Judge (ALJ) issued his decision in late August denying both motions and set a date to proceed with the administrative hearing. The Attorney General's Office, on behalf of the Pinelands Commission staff, filed a motion for Interlocutory review of the ALJ's decision. Ms. Roth also explained that because of staff's involvement in the proceedings before OAL, it is unable to participate in the review of the motion. She stated that Deputy Attorney General Donlon is here today to review this matter with the Commission.

At this point Ms. Roth left the room.

Closed Session Resolution

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

Commissioner Lloyd moved to retire into closed session. Commissioner Witt seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0.

Return to Open Session

Ms. Roth returned to the meeting and reopened the public portion of the meeting.

DAG Donlon stated that the Commission discussed in closed session a litigation matter relating to D.D. Residential.

DAG Donlon stated that the Commission has before it a Resolution Authorizing an Extension of the 10-day Regulatory Deadline for the Commission to Issue Notice of its Decision Whether to Grant Interlocutory Review of the August 24, 2009 Order in the Contested Case before the Office of Administrative Law. D.D. Residential, L.P. v. New Jersey Pinelands Commission, OAL Docket No. EPC 4177-08, (Commission Application No. 1981-0562.001P).

Commissioner Lloyd moved the adoption of the resolution. Commissioner Ashmun seconded the motion.

Acting Chairman Tomasello asked Ms. Roth to call the roll.

Ashmun	yes	Kennedy	yes	Witt	yes
Campbell	yes	Lee	yes	Tomasello	yes
Ficcaglia	yes	Link	yes		
Galletta	yes	Lloyd	yes		

The resolution was adopted by 10 Commissioners voting in the affirmative.

Commissioner Lee asked when the matter will be discussed at the October 9, 2009 Commission meeting.

Ms. Roth replied that the matter will be held until the end of the Part II meeting and discussed in closed session at the October 9 Commission meeting. She said that there will need to be a substantive discussion with the Commission's counsel as to the merits of the motions that were filed. She said that the Commission will then have to go back into open session to take a vote on the matter if that is the Commission's desire.

Commissioner Lee recommended to Acting Chairman Tomasello that this be done towards the end of the meeting because it is uncertain how long this matter may take in closed session.

Ms. Roth brought the Commission's attention to the fact that the resolution authorizes Nadine Young, Executive Assistant to the Commission, to sign the resolution. She indicated that because of staff's involvement and participation in the underlying administrative matter (i.e., Mr. Stokes, Mr. Liggett, Mr. Horner, Ms. Grogan and Ms. Roth), they are unable to sign the resolution. She said that she wanted to bring this to the Commission's attention since it varies from the normal practice. She stated that Ms. Young and Acting Chairman Tomasello will be signing the resolution.

There being no further comments, Ms. Roth thanked everyone for joining the conference call today.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Witt seconded the motion. The Commission agreed to adjourn the meeting at 10:20 a.m.

Certified as true and correct:

Nadine B. Young,
Executive Assistant to the Commission

Date: _____