

Disclaimer

These minutes reflect the actions taken by the Commission during its June 10, 2016 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 June 22, 2016.

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

MINUTES

June 10, 2016

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Giuseppe Chila, Joe DiBello, Jane Jannarone, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Chris Howard and Deputy Attorney General Helene Chudzik.

Commissioners Absent

Paul E. Galletta, Ed Lloyd and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:31 a.m.

DAG Chudzik read the Open Public Meetings Act Statement.

Ms. Nancy 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

Chairman Earlen presented the minutes from the May 12, 2016 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes of the May 12, 2016 Commission meeting were adopted by a vote of 11 to 0, with Commissioner Quinn abstaining.

Committee Chairs' Reports

Commissioner Avery provided an update on the May 24, 2016 Personnel & Budget Committee meeting.

The Committee recommended adoption of the minutes from the February 2, 2016 meeting, but a quorum of the Committee was not present.

The Committee reviewed the check registers, electronic disbursements and application fees covering January through April. Michelle Russell provided an update on employee actions.

The FY 2017 draft operating budget was reviewed. The remaining budgets will be reviewed at the next Personnel & Budget meeting.

There was no public comment.

Commissioner Prickett provided an update on the May 27, 2016 Policy & Implementation Committee meeting.

The Committee met via conference call.

The Committee adopted the minutes of the March 24, 2016 meeting.

The Committee agreed to provide advanced funds from the Pinelands Conservation Fund to The Trust for Public Land for the Bear Swamp Headwaters acquisition project.

No members of the public were present.

Executive Director's Reports

Ms. Wittenberg provided an update on the following:

- A recent wind storm caused a large tree to fall on the Commission's property. It fell onto four employees' vehicles. Clean-up is underway.
- Staff continues to prepare the FY 17 budget. At the June 21st Personnel and Budget Committee meeting, staff will discuss the Pinelands Conservation Fund and Kirkwood Cohansey budgets and the FY 17 Budget will be presented to the full Commission for adoption at the July 8th meeting.

- Staff members met with Commissioner DiBello and another representative from the National Park Service (NPS) to discuss the periodic review required by UNESCO's designation of the Pinelands as a Biosphere Reserve. Ms. Wittenberg said the questionnaire contains numerous complex questions that will require a lot of staff's efforts to complete. She noted that in August there is a workshop that will be held in Colorado to assist Biosphere Reserves in the United States with the periodic review. She said NPS will be providing money for a staff member to attend.

Commissioner DiBello added that NPS has assigned a number of staff members to assist with the 10 National Parks that qualify for Biosphere Reserve designation.

Commissioner Ashmun requested to see a copy of the questionnaire.

Wharton Update

Ms. Wittenberg said the sites at Wharton that were determined as having ORV damage have been identified on a map. She said the next step is to add the sites to aerial photographs to determine the extent of the damage and group the sites based on uplands, wetlands, habitat and other data layers.

Mr. Larry Liggett updated the Commission on the following:

- The Commission recently provided the New Jersey Department of Environmental Protection (NJDEP) with threatened and endangered (T&E) species siting data as part of a sharing agreement the agencies developed to ensure each agency has the same T&E data.
- Commission staff continues to work on multiple redevelopment plans, specifically from Waterford Township and South Toms River Borough. The Borough of South Toms River plans to develop its landfill, which would require closure.
- Staff continues to work on draft rules that were derived from Plan Review.

Mr. Chuck Horner updated the Commission on the following:

- On May 24th a response was sent to a citizen who raised concerns over the ban of fishing on the Lower Bank Bridge. The Commission issued a public development approval for the reconstruction of that bridge many years ago. A condition of that approval included public access for fishing on the bridge. A copy of that response has been provided to Commissioners today. It was also sent to Burlington County and the municipalities involved. Staff will be following up with county and municipal officials.
- Staff has been working with numerous mining applicants that wish to expand their operations in the Preservation Area District and Forest Area. In order for the mining operations to comply with the T&E standards of the Comprehensive Management Plan (CMP), creating Habitat Conservation Plans are the best solution in most instances.
- Additional information was submitted by Burlington County for the expansion of Taunton Road, which provides access to the Kings Grant housing development. He said the County is proposing to develop a road shoulder. He said the road currently

has a very narrow shoulder, and the County has conveyed that it presents a safety hazard. He noted that wetlands are present on both sides of the road.

Commissioner Prickett asked how the road shoulder along Taunton Road will be created.

Mr. Horner said fill will be used.

Commissioner Chila said he would like the Commission to investigate how public safety on the Lower Bank Bridge can be improved. He was curious if parking was an issue or if there has been a history of car accidents.

Ms. Wittenberg said she spoke with the County engineer, who advised her there has been a history of vandalism. She said she plans to speak with the engineer again to find a possible resolution.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of two public development applications.

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 2015-0058.001 & 2016-0033.001) (See Resolution # PC4-16-19). Commissioner Brown seconded the motion.

Commissioner Prickett asked if the library was a brick structure.

Mr. Horner said it was a concrete structure, and he passed around a file photo to the Commissioners.

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

Public Comment on Agenda Items and Pending Public Development Applications

No one from the public spoke.

Ordinances Not Requiring Commission Action

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

- Galloway Township Ordinance 1941-2016
- Waterford Township Ordinances 2016-4 and 2016
- Waterford Township Ordinance 2016-5

No members of the Commission had questions.

Other Resolutions

Chairman Earlen said the next resolution is a routine measure to ensure the Commission can expend money until the FY 17 Budget is approved.

Commissioner Avery moved the adoption of a resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2017 at the Same Level of Expenditures as Fiscal Year 2016 until the Adoption of the Fiscal Year 2017 Budgets (See Resolution # PC4-16-20). Commissioner Lohbauer seconded the motion.

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

Presentation

Mr. Joe Sosik provided a summary of the 2015 Long-Term Economic Monitoring Program Report. He said the goal of the program is to gauge the economic health of the Pinelands. He highlighted new additions to the 2015 report, which includes poverty rate as a supplemental variable, split town data and the recently-printed brochure on the monitoring program. See attached slides for additional information.

Link to the report: <http://www.nj.gov/pinelands/landuse/current/economic/FinalDraft-201606091704-ForCdAndWeb.pdf>

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

Mike Hickey of Medford Lakes, NJ, said the damage at Wharton State Forest is getting worse, specifically on Cherry Hill Road. He said the only vehicles that can pass damaged roads are those with special tires. He urged the Commission to do something about the issue.

Jason Howell of the Pinelands Preservation Alliance said the physical protection of sensitive areas are necessary at Wharton State Forest. He described an incident at Wharton State Forest where he witnessed off-road vehicles destroying a road. He said he was able to capture video of the riders causing the damage. He said he reported what he saw to the Park Police and wanted to provide the police with additional information but has not been able to do so.

Arnold Fishman of Medford Lakes, NJ, inquired about what type of materials are being mined in the Pinelands.

Mr. Horner said sand is being mined.

Mr. Fishman asked if the Commission had filed its brief on the South Jersey Gas pipeline matter.

DAG Chudzik said the joint brief was filed yesterday on behalf of the Commission and the Board of Public Utilities.

Mr. Fishman asked how he could get a copy of the brief and if it could be posted to the Commission's website.

Ms. Roth said she would email Mr. Fishman a copy of the brief.

Adjournment

Commissioner Prickett said the upcoming blueberry festival at Whitesbog will celebrate 100 years of blueberry cultivation. He said the annual festival will be held on June 25th and 26th. He said because of the hard work and dedication of Elizabeth White and Frederick Coville we have blueberries that are uniform in size, taste good and are easy to pick. He shared a recent newsletter from the Whitesbog Preservation Trust that highlighted the important role of Whitesbog in the cultivation of the highbush blueberry.

Commissioner Prickett offered tours of Whitesbog.

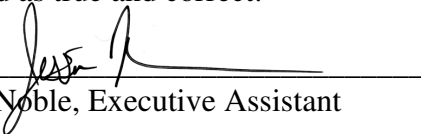
Commissioner Jannarone asked if there was any way the Commission could provide support to Mr. Howell regarding the incident he described this morning. She congratulated Commissioner Barr on winning his council seat in Ocean City.

Commissioner Avery said he spoke with Ocean County Sheriff Michael Mastronardy after the discussion about ORV accidents at the May Commission meeting. He said the Sheriff advised him that vehicular accident data is not distinguished by type of vehicle.

Commissioner Lohbauer suggested that the South Jersey Gas brief be posted to the Commission's website, considering the amount of public interest that the application has generated.

Commissioner Avery moved to adjourn the meeting. Commissioner McGlinchey seconded the motion. The Commission agreed to adjourn at 10:44 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 17, 2016