

Disclaimer

These minutes reflect the actions taken by the Commission during its December 11, 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 December 22, 2015.

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

MINUTES

December 11, 2015

Commissioners Present

Alan W. Avery Jr., Bob Barr, Bill Brown, Sean Earlen, Paul E. Galletta, Ed Lloyd, Ed McGlinchey, Richard Prickett, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Candace Ashmun, Joe DiBello, Jane Jannarone, D'Arcy Rohan Green and Gary Quinn

Chairman Lohbauer called the meeting to order at 9:37 a.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present.)

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

Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the November 13, 2015 Commission meeting. Commissioner Earlen moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The open and closed session minutes of the November 13, 2015 Commission meeting were adopted by a vote of 9 to 0. Commissioner Lloyd was not present for the vote.

Committee Chairs' Reports

Personnel and Budget Committee

Commissioner Avery provided an update on the November 17, 2015 Personnel and Budget Committee meeting:

The Committee recommended adoption of the minutes from the June 2, 2015 meeting because a quorum of the Committee was not present at the prior P&B meeting. The Committee also recommended adoption of the minutes from the June 30, 2015 meeting.

Paul Leakan and Dawn Rago provided an update on the RFP for the Visitors Center. Copies of the schedule for the RFP were provided to the Personnel and Budget Committee for review.

Nancy Wittenberg and Jessica Lynch reviewed the check registers, electronic disbursements and application fees covering June through October. Michelle Russell provided an update on employee actions. She also reviewed the new dental plans that are being recommended to be offered to employees instead of the current plans. The Committee members recommended Commission approval of the resolution to authorize the Executive Director to change contributory dental plans for employees.

There was no public comment. The Committee met in Closed Session.

Commissioner Avery noted that Commissioner Witt raised issues about the Audit Committee members.

Commissioner Witt recommended discussing the re-organization of the Audit Committee.

Commissioner Avery said that once the Personnel and Budget Committee discusses the matter, a recommendation will be brought to the full Commission.

Chairman Lohbauer said the Audit Committee met at the end of November.

Employee Recognition

Chairman Lohbauer introduced Brad Lanute, who was recently hired as the Commission's Resource Planner.

Chairman Lohbauer acknowledged Rob Wilson's 10 years of service at the Commission and presented him with a plaque.

Executive Director's Reports

Chairman Lohbauer said that Senator Raymond Lesniak sent an email requesting that the Commission provide comment on Senate Bill 2125. Chairman Lohbauer requested Ms. Wittenberg update the Commission on the latest action with Senate Bill 2125.

Ms. Wittenberg provided an update on the Tuckahoe Turf Farm matter. She said that the Hammonton Zoning officer recently revoked the permit issued to Tuckahoe Turf because the terms of the approval were violated. She said earlier this week, staff learned that the Senate Bill 2125 was up for a vote this past Thursday and that the bill had been transferred from the Economic Growth Committee to the Community and Urban Affairs Committee. A letter was drafted and sent to Senator Lesniak prior to the Committee meeting reminding the Senator of the Pilot Program that staff initiated. Ms. Wittenberg noted that staff had not seen the new bill but were working to get a copy of the language. She said as soon as staff reviewed the legislation, a letter would be drafted and sent to both Houses of the Legislature.

Some Commissioners offered their objection to the large-scale soccer events that have occurred in Hammonton on Pinelands Development Credit (PDC) deed-restricted land.

Commissioner Avery said that he believes the biggest threat to the Pinelands is legislation such as S2125. Commissioners agreed that they are opposed to the proposed legislation and support staff as they contest the bill.

Ms. Wittenberg updated the Commission on the following:

- At a recent Commission meeting, Commissioner Lloyd said that the Commission should address climate change. Ms. Wittenberg reminded Commissioners that as part of Plan Review, multiple initiatives were outlined including climate change. She said the first three initiatives were identified as the following: Pinelands Development Credit Program enhancements, the Kirkwood-Cohansey study and the Medford-Evesham Black Run pilot program. Staff is currently working on these projects.
- Ms. Wittenberg pointed out that Rob Wilson, who was honored for his 10 years of service, is an invaluable member of the staff. While Rob is not often seen by the Commissioners his work on the Commission's permit application tracking system is essential to the Commission.

Mr. Larry Liggett updated the Commission on the following:

- Many municipalities faced a deadline to submit their affordable housing plans to the Courts this past week. He said the number of affordable units a municipality will be required to provide remains uncertain.
- The Commission's MIS office is working to create a database to help staff effectively track alternate design septic system monitoring and maintenance agreements.
- The Commission along, with the New Jersey Department of Environmental Protection and the US Geological Survey, may explore the effects of pharmaceuticals coming from wastewater treatment plants.
- The Commission has an existing Memorandum of Agreement (MOA) with Buena Borough Municipal Utilities Authority (BBMUA) that has been modified through the years for sewage plant upgrades. BBMUA would like to further expand the plant but a clause in the MOA will not permit that until they have reached at least 24 months of good results. He said they have only reached 22 months of good results.

Mr. Chuck Horner provided an update on multiple regulatory matters, including the following:

- A public hearing for the Stafford Township compelling public need waiver to construct a new stormwater management basin to alleviate flooding issues in Ocean Acres will be scheduled for the beginning of January.
- Commission staff issued a letter of no further review for a mixed use project in Barnegat. The development required the redemption of 9.0 PDC's.
- Staff issued a consistent Certificate of Filing for the New Jersey Natural Gas application on December 9, 2015. Mr. Horner added that the New Jersey Natural Gas application did not need to address the Comprehensive Management Plan's regulation of "primarily serves the needs of the pinelands" because natural gas mains are a permitted use in the proposed Management Areas. The Management Areas that the gas infrastructure will traverse are the Regional Growth Area, the Rural Development Area and the Federal and Military Installation Area.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending the approval for the construction of 2,446 square foot storage building at the New Jersey Fish and Game Southern Regional office in Winslow Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1981-2403.003) (See Resolution # PC4-15-33). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner McGlinchey recused himself from the vote.

Chairman Lohbauer said the next resolution is for the establishment of a dog park in Evesham Township and improvements to an existing Turnpike Authority maintenance facility in Barnegat Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1986-0433.008 & 1997-0257.010) (See Resolution # PC4-15-34). Commissioner Avery seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. All were in favor.

Chairman Lohbauer said the next resolution is for the construction of a salt barn and associated municipal improvements in Upper Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1990-0188.005)(See Resolution # PC4-15-35). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Brown recused himself from the vote.

Public Comment on Agenda Items and Pending Public Development Applications

Bill Wolfe of Bordentown, NJ said he was disappointed to hear that the Commission issued a Certificate of Filing for the New Jersey Natural Gas application. He recommended the Commission further review the need for gas on the base and the authenticity of the application submitted by New Jersey Natural Gas.

Fred Akers, Great Egg Harbor Watershed Association, said in light of today's conversation regarding the S2125 legislation, the Commissioners should remember that the Pinelands is a Federal Reserve. Any changes to the Pinelands Protection Act require federal review.

Jeff Tittel of the Sierra Club, spoke out against the New Jersey Natural Gas application. He said there was no public hearing, no transparency and the pipeline is not for the Pinelands but for growth along the shore. He said he supports a moratorium on pipelines.

Emile Devito of the New Jersey Conservation Foundation said the Certificate of Filing for the New Jersey Natural Gas application should be rescinded. He said staff should request documentation that the gas will be going to the base.

Commissioner Avery asked if the Commission needed to take any further action on either the South Jersey Gas or New Jersey Natural Gas application now that both Certificates of Filing have been issued.

Ms. Wittenberg said that the Commission will review the final record from the Board of Public Utilities through the coordination process.

Commissioner Avery said he recalls the circulation of a letter from the Joint Base McGuire Dix Lakehurst expressing the need for the natural gas.

Ordinances Not Requiring Commission Action

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

- Jackson Township Ordinance 25-15
- Monroe Township Ordinance O:35-2015

No members of the Commission had questions.

Other Resolutions

Commissioner Galletta moved the adoption of a resolution Setting Pinelands Commission Meeting Dates for 2016 (See Resolution # PC4-15-36). Commissioner Earlen seconded the motion.

After a quick discussion the June night meeting was changed to May.

The Commission adopted the resolution by a vote of 10 to 0. All were in favor.

Commissioner Prickett moved the adoption of a resolution To Accept the Fiscal Year 2014 Audit Report (See Resolution # PC4-15-37). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Galletta was not present for the vote.

Commissioner Avery moved the adoption of a resolution To Authorize the Executive Director to Change Contributory Dental Plans for Pinelands Commission Employees (See Resolution # PC4-15-38). Commissioner Prickett seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioner Galletta was not present for the vote.

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

Ron Hutchinson of Northfield, NJ asked that Commissioners uphold the Comprehensive Management Plan. He said its time to end the use of fossil fuels.

Jeff Tittel of the Sierra Club said he attended the hearing for S2125. He said it was transferred out of the Economic Growth Committee by Senate President Sweeney to the Community and Urban Affairs Committee because it did not have enough votes. He said the effects of climate change and the negatives impacts of pipelines will harm the Pinelands. He said based on the contract there is no gas going to the base.

Chairman Lohbauer paused the comment portion of the meeting and asked Commissioner Lloyd if he wanted to provide his opinion on the recently moved Senate Bill 2125. He said Commissioners had an earlier discussion on this legislation.

Commissioner Lloyd said he thought the Commission was pursuing a pilot program that would allow the Commission, landowners and the other involved parties to find a resolution to this matter. He supports staff in communicating the Commission's concerns to the legislature.

Emile Devito of the New Jersey Conservation Foundation said he hopes that the Tuckahoe Turf matter and the proposed legislation get resolved. He said the soccer activities that are occurring are not low-intensity recreation but rather a commercial operation. He supports a moratorium on pipelines.

Georgina Shanley of CURE said the Commission should be doing more to address climate change.

Nathalie Neiss of Upper Township, NJ said that Upper Township could not provide her with a title for Block 350 Lot 12, the parcel on which Upper developed without applying to the Commission. She asked questions about road improvements in Upper Township.

Bill Wolfe of Bordentown, NJ said he could not find a distinction referenced in the Pinelands Protection Act between "private development" and "public development" processes. He said this was the basis of the two Certificates of Filing issued for South Jersey Gas and New Jersey Natural Gas. He said he has heard Governor Florio mention on two separate occasion that the Pinelands were created to block oil and gas lines from east to west. He said he conducted his own research and found Governor Florio's statements to be true. He said the posture back then was correct and today the Commission is headed in the wrong direction.

Ed Cohen of Mt. Laurel, NJ said he is in favor of renewable energy.

Doug O'Malley provided comments on the proposed pipelines, climate change and the Governor.

Lena Smith of Food and Water Watch provided a handout on fracking (see attached). She said Chesterfield Township passed a resolution opposing the New Jersey Natural Gas pipeline. She is in favor of a moratorium on pipelines.

Ann Kelly questioned the role of the Commissioners and staff with regard to decision making.

Peter Ferwerda said that a mining operation in Little Egg Harbor Township has caused water evaporation on the Cedar Bridge branch of the Wading River.

Dave Pringle of Clean Water Action spoke out against the proposed South Jersey Gas and New Jersey Natural Gas pipelines. He asked Commissioners to do a better job of protecting the Pinelands and do more about climate change.

Margo Pellegrino provided information about a water study conducted in the Medford Lakes area in the 1970s. She said New Jersey is experiencing climate change at a fast pace and all fossil fuel projects should be put hold.

George Hay of Somers Point, NJ spoke about general energy issues, including stranded costs and said he believes the New Jersey Natural Gas pipeline may be delivering gas to the Oyster Creek plant.

Adjournment

Vice Chairman Galletta wished everyone a Happy Holiday and a Happy New Year.

Commissioner Lloyd said stranded costs have cost New Jersey citizens one billion dollars from a number of energy projects that never came to fruition. He said he would like to see an investment in renewable energy rather than gas infrastructure.

Chairman Lohbauer said a press release about climate change was issued yesterday, and it was made to look as if it was issued by the Commission. He said that the Commission did not issue a press release and that it was a hoax. He said that he was quoted in the press release as saying things that he never said and he took great offense to it. He apologized to the public who thought the press release was true.

Commissioner Avery moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:06 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: December 18, 2015