

*Adopted June 21, 2012*

**Pinelands Development Credit Bank Board  
Offices of the Pinelands Commission  
15C Springfield Road  
New Lisbon, NJ 08064**

**MINUTES OPEN SESSION**

March 27, 2012

2:00 p.m.

**Board Members Present:**

Christopher Hughes, Dept. of Banking & Insurance Designee  
Susan Payne, Department of Agriculture Designee  
Fawn McGee, Department of Environmental Protection Designee  
Helene Chudzik, Department of Law & Public Safety Designee  
Edward McGlinchey, At Large Member  
Robert Shinn, At Large Member

**Board Member Absent:**

Candace McKee Ashmun, Pinelands Commission Designee

**Others Present:**

Susan R. Grogan, Executive Director, PDC Bank  
DAG Mark Collier, Board Counsel  
Betsy Piner, Recording Secretary for PDC Bank Board

**1. Call to Order**

Chairman Hughes called the meeting to order at 2:12 p.m. and read the Open Public Meetings Act Statement. Mr. Hughes called the roll.

All present pledged allegiance to the Flag.

**2. Adoption of Minutes of the February 16, 2012 meeting.**

Chairman Hughes presented the minutes of the February 16, 2012 Bank Board meeting.

Ms. Payne asked for a correction on page 5 noting that she had said that the County had sold credits to the PDC Bank but she had not referred to any particular credits.

With that correction, Mr. McGlinchey moved the adoption of the minutes of the February 16, 2012 Board meeting. Ms. Payne seconded and the minutes were adopted with all voting in favor.

### **3. Closed Session**

At 2:15 p.m., DAG Collier read a resolution for the Board to meet into closed session to discuss matters of attorney-client privilege. Mr. McGlinchey moved that the Board meet in closed session. Ms. Chudzik seconded the motion and all were in favor. Members of the public left the room.

The Board returned to open session at 3:00 p.m.

### **4. Continued discussion of request by the Burlington County Board of Chosen Freeholders to amend a filed PDC deed restriction on a parcel in Southampton Township**

Chairman Hughes said that during closed session, DAG Collier had provided legal advice as the Board continues its discussion from the last meeting regarding the widening of Route 530 and the lifting of a PDC deed restriction on the Katona Farms property. Based on the DAG's advice, the Board would be voting to rescind its previous action to remove the deed restriction as it is apparent that the easement is still held by Burlington County and not by the Bank.

Mr. McGlinchey moved that the Board rescind its previous action. Ms. McGee seconded the motion. Mr. Hughes called the roll with all (Ms. Chudzik, Ms. McGee, Mr. McGlinchey, Ms. Payne, Mr. Shinn and Chairman Hughes) voting in favor.

Chairman Hughes said that the lifting of a deed restriction is subject to the NJ Conservation Restriction and Historic Preservation Restriction Act (CRA). As such, a public hearing will be conducted and it is the DEP Commissioner who will determine if the restriction can be lifted. The second motion would reserve the right of the Bank Board to participate in the public process.

Ms. Payne requested confirmation that, should it be determined that the lifting of this easement is subject to the CRA, then the Bank would convene to discuss the offset. Chairman Hughes said that she was correct. Ms. Payne made that motion and it was seconded by Mr. McGlinchey.

Chairman Hughes called the roll with all (Ms. Chudzik, Ms. McGee, Mr. McGlinchey, Ms. Payne, Mr. Shinn and Chairman Hughes) voting yes.

Chairman Hughes summarized that both votes had received six affirmative votes.

Mr. McGlinchey said that he had asked for a copy of the County's project budget including the amount set aside for contingencies. He said that because the County had

referenced a large number of traffic accidents, he also wanted to know the number related to the failure of the highway vs. the number due to human error.

Ms. Grogan responded that the County had said previously that they would provide such information.

## **5. Public Comment**

Mr. Chris Jage, with the New Jersey Conservation Foundation (NJCF) said that he was pleased that the Board had corrected its earlier action. He also asked if the Burlington County PDC-restricted lands were shown on the County's ROSI as they were de facto ROSI properties.

In response to a question from Ms. Payne if this were true even if they were deed restricted for agriculture, Mr. Jage said that, by its title, the easement is a conservation restriction. He also cited the PDC Bank Act: *The restriction shall be in favor of a public agency or not for profit incorporated conservation organization and shall be specifically and expressly enforceable by the Pinelands Commission. In no case, however, shall the restrictions be in favor of the Board.* Finally Mr. Jage said that his concerns regarding easements, mapping and enforcement for deed restricted lands remain an outstanding issue. He said that a non-profit entity can be a help in resolving these issues.

## **6. Other Items of Interest**

There being no other items of interest, the meeting adjourned at 3:10 p.m. Moved by Mr. McGlinchey and seconded by Ms. Payne.

Submitted by

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Betsy Piner, Recording Secretary to the PDC Bank Board

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April 13, 2012