

Disclaimer

These minutes reflect the actions taken by the Commission during its January 11, 2019 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 January 24, 2019.

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

MINUTES

January 11, 2019

Commissioners Present

Alan W. Avery Jr., Bob Barr, Jordan P. Howell, Jane Jannarone, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, Gary Quinn, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristina Miles.

Commissioners by Phone

D'Arcy Rohan Green.

Commissioners Absent

Candace Ashmun, Giuseppe Chila, Paul E. Galletta.

Chairman Earlen called the meeting to order at 9:33 a.m.

DAG Miles read the Open Public Meetings Act Statement (OPMA).

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented the minutes from the December 14, 2018 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The December 14, 2018 Commission meeting minutes were adopted by a vote of 8 to 0, with Commissioner Barr and Commissioner Quinn abstaining. Commissioner Lohbauer was not present for the vote.

Chairman Earlen presented the closed session minutes from the November 9, 2018 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Avery seconded the motion.

The November 9, 2018 closed session Commission meeting minutes were adopted by a vote of 8 to 0, with Commissioner Howell and Commissioner Quinn abstaining from the vote. Commissioner Lohbauer was not present for the vote.

Committee Chairs' Reports

Chairman Earlen said there were no Committee meetings to report on. He said the next Policy and Implementation Committee meeting is scheduled for January 25, 2019.

Executive Director's Reports

ED Wittenberg updated the Commission on the following items:

- A meeting that was being scheduled with National Park Service representative Jonathan Meade has been temporarily placed on hold due to the federal government shutdown.
- Additional work on the visitor center was necessary based on the last construction inspection. It's very close to being complete.
- A stay request was received for the New Jersey Natural Gas (NJNG) Southern Reliability Link project. The Commissioners were provided with a copy earlier this week and were informed it might be discussed at today's meeting. NJNG's response to the stay request was also received. The Attorney General's office has completed its legal review, however Ms. Roth has been out of the office and has not had a chance to review the guidance for procedural accuracy. The Commission will be discussing the matter at a later date.

Commissioner Prickett asked if the Commission would need to vote on a resolution regarding the stay request.

ED Wittenberg said the Commission would need to take action by resolution on the stay request.

Director Chuck Horner provided information on the following regulatory matters:

- Staff met with Medford Township officials regarding the construction of a new municipal building.
- A meeting has been scheduled with Lacey Township and Ocean County officials regarding site improvements at a shooting range in Lacey.
- Staff is working with the Mayor of Estell Manor on some issues in the city, specifically a matter that involves recreational vehicles.

ED Wittenberg added that staff is still trying to find a meeting date for the new Committee that will address energy and sustainability.

Chief Planner Susan R. Grogan updated the Commission on the following:

- Staff held a public hearing on amendments to the Pinelands Infrastructure Trust Fund Master Plan on January 3, 2019. Only two members of the public attended the hearing and a total of five written comments were received. Staff is preparing the final amendment for the full Commission to vote on in February.
- The Commission's archaeologist, Tony McNichol, is currently preparing for an excavation at the Brotherton Indian Reservation in the Indian Mills section of Shamong Township. Mr. McNichol has been assisting in ground penetrating radar surveys to determine the boundary of the actual site of the excavation. The Archaeological Society of New Jersey will be conducting the excavation and the results of the dig will be shared at a future Commission meeting.

Commissioner Prickett asked how the excavation project came to fruition.

Chief Planner Grogan said Mr. McNichol knew of the site and during the Township's application for the new cemetery, the concept for an excavation at Brotherton was discussed. She said Shamong Township owns the property.

Communications Director Paul Leakan said the electrical work was completed for the visitor center. Once the Certificate of Occupancy is issued, the building can be re-opened for normal business. He said the 30th Annual Pinelands Short Course will be held on March 9, 2019. He said there will be 36 presentations, four of which will be conducted by Pinelands Commission staff.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of two public development applications. He said one is for the installation of a traffic control system in Hamilton and Egg Harbor Townships and the other is for the installation of potable water and sanitary sewer mains in Medford Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 2017-0052.001 & 2018-0096.001) (See Resolution # PC4-19-01). Commissioner Jannarone seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioner Lohbauer was not present for the vote.

Chairman Earlen presented a resolution for the construction of a roundabout (traffic circle) at the existing County Route 550 and 610 intersection in Woodbine Borough.

Commissioner Pikolycky said he would be recusing from the vote on this application and left the dais.

Commissioner Prickett moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2018-0148.001) (See Resolution # PC4-19-02). Commissioner Barr seconded the motion.

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

Commissioner Pikolycky returned to the meeting.

Commissioner Lohbauer joined the meeting at 9:51 a.m.

Public Comment on Public Development Applications and Items where the record is open
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:

- Hammonton Town 2018 Housing Element and Fair Share Plan
- Hammonton Town Ordinances 031-2018 and 045-2018
- Maurice River Township Ordinance 677
- Shamong Township Ordinance 2018-13
- Southampton Township Ordinance 2018-13
- Winslow Township Ordinance O-2018-024

No members of the Commission had questions.

Other Resolutions

Chairman Earlen presented a resolution accepting the Fiscal Year 2017 audit report.

Commissioner Avery moved the adoption of a resolution To Accept the Fiscal Year 2017 Audit Report (See Resolution # PC4-19-03). Commissioner Lloyd seconded the motion.

Commissioner Avery said he is pleased to announce that there were no findings in the FY 2017 Audit. He said both the Audit Committee and Personnel and Budget Committee recommended purchasing new accounting software. He said in addition the Commission staff has made some internal changes and the combination has resulted in a clean audit. He

thanked the members of the Audit Committee including the two public members: Brian Logan and Mike Mansdoerfer. He also thanked former Commissioner McGlinchey for his role on the Audit Committee.

The Commission adopted the resolution by a vote of 11 to 0.

Commissioner Rohan Green left the meeting at 9:57 a.m.

Presentation: Buena Borough Municipal Utilities Authority (MUA) Water Pollution Control Plant

Mr. Ed Wengrowski outlined the history that lead to the construction of a state of the art wastewater treatment plant in Buena Borough. He said water quality in a Pinelands stream improved significantly by upgrading the plant through an amendment to an existing Memorandum of Agreement between the Pinelands Commission, Buena Borough MUA and Buena Vista Township.

Mr. Wengrowski introduced Dennis Yoder, the Director of Engineering at Remington & Vernick Engineers and Mr. Alan Zorzi, Plant Superintendent. Mr. Yoder and Mr. Zorzi shared aerial photographs of the plant and described the membrane bioreactor technology (MBR) used to transform the wastewater. In addition, Mr. Yoder and Mr. Zorzi provided details of how the plant achieved 24 consecutive months of maintaining certain discharge limits with abnormally cold temperatures. A few Commissioners asked questions related to the following topics: cost of the plant, temperature spikes and other plants using the MBR technology. See attached slides for additional information.

General Public Comment

Paula Yudkowitz said the public cannot access the center of the Pinelands and families are unable to recreate because of damaged roads surrounding Wharton State Forest. She also said that things are getting “scary” and “iffy” “down there”. She said “bands of big men in big trucks are threatening people in the woods”. She said she would like the Commission to add these issues to its monthly agenda.

Rhyan Grech of the Pinelands Preservation Alliance said the Alliance recently released the 2018 Annual State of the Pinelands Report. She brought copies of the report for Commissioners and the public. She congratulated the Commission on its Roadside Best Management Practices, the Pinelands Science report and the Short Course. She said the Commission needs to move forward with the following: Pinelands Development Credit Amendments, CMP amendments to address the Kirkwood-Cohansey aquifer and amendments to protect the Black Run Watershed.

Debra Smith of Southampton said she feels the Commission is headed in the wrong direction and would like to see new Commissioners appointed who are more conservation minded.

Agnes Marsala of Chesterfield urged Commissioners to adopt a resolution to grant the stay for the NJNG pipeline. She said she was also urging the Burlington County Board of Freeholders to replace its representative on this Commission.

Margo Pellegrino of Medford Lakes said she was pleased to hear that the Commission created a new Committee to address the effects of climate change in the Pinelands. She said she was impressed with the Buena Borough treatment plant and hopes that the Commission will receive a lot of press on the success of the facility.

Fred Akers of the Great Egg Harbor Watershed Association said the Buena MOA is a good example of how the MOA process should work. He thanked Commissioner Pikolycky for his resolution through the League of Municipalities supporting the Payment in Lieu of Taxes (PILOT) program.

Commissioner Earlen responded to Ms. Yudkowitz's comments about Wharton State Forest and road access. He said staff will have a conversation with the New Jersey Department of Environmental Protection about the issues she raised.

Commissioner Prickett asked ED Wittenberg if she could research whether it is appropriate for the Commission to draft a resolution supporting the PILOT program.

Commissioner Lohbauer requested an update from the Executive Director at the next Commission meeting regarding the status of the NJDEP's application to clear trees surrounding the Bass River Fire Tower.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:33 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 18, 2019