



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us




Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
Executive Director

Date: June 30, 2015

Subject: Summary of the July 10, 2015 Meeting Packet

Minutes

The June 12, 2015 Commission meeting minutes are included in your packet.

Public Development Applications

One public development application is being recommended for approval with conditions.

1. **PEMBERTON TOWNSHIP**, Regional Growth Area, construction of a 996 square foot potable water treatment building.

Waiver of Strict Compliance

One Waiver of Strict Compliance application is being recommended for denial. The application proposes the development of a single family dwelling. The applicant is interested in the State of New Jersey purchasing the parcel under the Limited Practical Use Program.

Letter of Interpretation

There were four Pinelands Development Credit (PDC) Letters of Interpretation (attached) issued since the last Commission meeting, allocating 3.25 PDCs to 156.69 acres. There was also one Letter of Interpretation issued regarding the extent of wetlands on a parcel that was issued since the last Commission meeting.

Off-Road Vehicle Event Route Map Approval

There was one Off-Road Vehicle Event Route Map Approvals (attached) issued since the last Commission meeting.

Superfund Groundwater Remediation Cleanup

There are no Superfund Clean-ups on this month's agenda.

Ordinances Not Requiring Commission Action

We have also included a memorandum on two ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Buena Vista Township and Manchester Township.

Other Resolutions

Enclosed are two resolutions that were reviewed by the Personnel and Budget Committee:

- The first resolution is recommending adoption of revisions to the Commission's Personnel Policies.
- The second resolution is recommending the adoption of the Pinelands Commission's Fiscal Year 2016 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund with supporting documentation. The FY 2016 Operating Budget of \$4,641,712 anticipates drawing \$530,210 from the Commission's undesignated fund balance. The Kirkwood Cohansey Aquifer Assessment Study's fund balance is sufficient to cover the Study's FY 2016 Budget of \$225,965. The self-supporting Pinelands Conservation Fund's FY 2016 Budget totals \$2,011,794, of which land acquisitions of up to \$750,000 are anticipated.

Please take special notice of the Operating Fund's budget notes #19, #28, #31 and #40, which will authorize the Executive Director to pay certain purchases in excess of the threshold stipulated in N.J.S.A. 52:25-23 (currently \$36,000).

Closed Session

The Commission may need to convene into closed session.

Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, July 10, 2015

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Election of Vice-Chairman

3. Committee Appointments

4. Adoption of Minutes

- June 12, 2015

5. Committee Chairs' and Executive Director's Reports

6. Matters for Commission Consideration Where the Record is Closed

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 - Approving With Conditions an Application for Public Development (Application Number 1991-1108.009)

- Denying an Application for a Waiver of Strict Compliance (Application Number 2010-0150.001)

B. Planning Matters

- Municipal Ordinances
 - None
- Other Resolutions
 - None
- CMP Amendments
 - None

7. Public Comment on Agenda Items and Pending Public Development Applications (see attached list) *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*

8. Other Resolutions

- To Revise the Pinelands Commission's Personnel policies
- To Adopt the Pinelands Commission's Fiscal Year 2016 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund

9. Ordinances Not Requiring Commission Action

- Buena Vista Township Ordinance 4-2015
- Manchester Township Ordinance 15-004

10. Other Agenda Items

11. General Public Comment *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*

12. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters *(The Commission reserves the right to reconvene into public session to take action on closed session items.)*

13. Adjournment

Events of Interest

Pinelands Municipal Council Meeting and Pinelands Orientation- New Lisbon, NJ-Richard J. Sullivan
Center- July 30, 2015 at 4:00 p.m.

Upcoming Meetings

Unless otherwise noted, all meetings/events are conducted at the
offices of the Pinelands Commission in New Lisbon

Fri., July 31, 2015	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., July 31, 2015	Agriculture Committee Meeting (immediately following the P&I meeting)
Tue., Aug. 4, 2015	Personnel and Budget Committee Meeting (9:30 a.m.)
Fri., Aug. 14, 2015	Pinelands Commission Regular Monthly Meeting (9:30 a.m.)

Upcoming Office Closures

Friday, July 3, 2015 Independence Day (observed)



Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@njpines.state.nj.us) at Info@njpines.state.nj.us or call (609) 894-7300.

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

MINUTES

June 12, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta (via telephone), Jane Jannarone, Ed Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green 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

Fran Witt

Chairman Lohbauer called the meeting to order at 9:34 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 14 Commissioners present.)

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

Minutes

Chairman Lohbauer presented the minutes from the May 8, 2015 Commission meeting (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the May 8, 2015 Commission meeting were adopted by a vote of 12 to 0, with Commissioner McGlinchey and Commissioner Jannarone abstaining.

Committee Chairs' Reports

Personnel & Budget Committee

Vice Chair Avery provided an update on the June 2, 2015 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the April 28, 2015 meeting.

The Committee reviewed and recommended Commission approval of a resolution to authorize the Executive Director to continue to expend funds for Fiscal Year 2016 at the same level of expenditures as Fiscal Year 2015 until the adoption of the Fiscal Year 2016 budgets.

Nancy Wittenberg and Jessica Lynch reviewed the April Check Registers, electronic disbursements and application fees. There was a budget update and discussion concerning the quote received for a generator to keep the Commission functioning in emergencies. Michelle Russell provided an update on employee actions. There were also discussions outlining the research into the painting and associated costs of Fenwick Manor. Computer security was also reviewed.

The Committee met in Closed Session.

MOA *ad hoc* Committee

Commissioner Ashmun said the Committee met with staff on May 29, 2015. She said the Committee will meet next after the June 26, 2015 Policy & Implementation Committee. That meeting will be public.

Agriculture Committee

Commissioner McGlinchey said the next meeting has been scheduled for Tuesday, June 16th at 9:30 a.m.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the May 29, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes from the April 24, 2015 meeting.

The Committee approved payment to the New Jersey Conservation Foundation in advance of closing on the Zemel project in Woodland Township. This was the last remaining Pinelands Conservation Fund grant.

The Committee received an update on the revised application submitted by South Jersey Gas to develop a pipeline to the B.L. England electric generation plant in Upper Township.

Audit Committee

Chairman Lohbauer said the Audit Committee met on June 4. He said the Auditors have arrived and the FY 14 Audit is underway.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Pinelands Orientation for newly elected officials will be held on July 30, 2015 at the Richard J. Sullivan Center. The orientation will be in lieu of the usual Pinelands Municipal Council agenda.

Mr. Larry Liggett updated the Commission on the following:

- Staff has been working with Burlington County officials on a proposal to construct a new cell tower to accommodate emergency services in Pemberton Township. The current tower cannot accommodate any new antennas; thus, the County believes a second tower is needed. The parcel on which the current tower is located is split-zoned between a Regional Growth Area and Agricultural Production Area.
- A temporary programmer has been contracted to work in the MIS office to build a database for the alternate septic system program. The database will enable staff to track the five year monitoring period more efficiently.
- Staff received an inquiry from the New Jersey Department of Environmental Protection (NJDEP) requesting information about a landfill in Winslow Township. The rapid landfill assessment database allowed staff to provide NJDEP with the pertinent information within one hour.

Mr. Chuck Horner provided an update on the following:

- Staff met with officials from Stafford Township to discuss their compelling public need waiver application. A stormwater management basin is being proposed to resolve ongoing flooding issues in the Ocean Acres residential area. He said in the next couple of months a decision will need to be rendered from Commissioners on that compelling public need waiver.
- Staff met with officials from Joint Base McGuire-Dix-Lakehurst to discuss a large solar facility proposal. He said the solar facility on Fort Dix is being proposed on an existing closed landfill. The solar facility proposed at Lakehurst will be located in a grass and wooded area.
- Staff has been working with Hammonton officials on a proposal to clear trees at the Hammonton Municipal Airport.
- Southampton Township continues to weigh its options of rehabilitating the existing public works building or finding another site.

- An application staff reviewed many years ago to expand the landfill at the Cape May County Municipal Utilities Authority (CMCMUA) determined that a threatened species, Red Headed Woodpecker, was present on the parcel. A recent application proposing a natural gas fueling station on that parcel proposed disturbance in a portion of the area preserved for Red Headed Woodpecker. Staff continues to work on a mitigation plan to resolve that issue.
- Mr. Horner said he went in the field recently with a Regulatory Programs staff member and Jackson Township officials to resolve a problem where a homeowner cleared and developed in the wetlands buffer.
- On May 21, 2015 the Commission received a revised application from South Jersey Gas (SJG) for a natural gas pipeline. On June 3rd, staff met with representatives from SJG. At that meeting, representatives from SJG asked a number of questions. The staff answered several procedural questions and was unable to answer substantive questions regarding the application as the May 21 submission is still under review.

Mr. Horner detailed the review process for a private development application. He said once staff determines that the required information has been submitted by the applicant, a completeness document, known as a Certificate of Filing (CF), is issued. The CF is either consistent or inconsistent with the Commission's rules. The CF is not an approval, it merely allows an applicant to seek local approval. The applicant is required to submit any local approvals to the Commission for its review. This ensures no changes have been made to the application and if there have been changes that they remain consistent with the Commission's rules. If the local approval raises an issue with the Commission's standards, a Commission staff public hearing would be scheduled. He said internally this is referred to as a "call up" hearing.

Mr. Horner reviewed the Commission staff public hearing process at which the Executive Director presides as the hearing officer. He also indicated that an applicant has the option to proceed to the Office of Administrative Law (OAL) for the hearing. He said the applicant has the option to choose either course if they want to challenge the staff's determination. He said typically an applicant tries to resolve any issues before ever having a hearing. He said if the local approval raises no issue, the Commission staff would issue a letter stating that the permit(s) can take effect.

Both Mr. Horner and Ms. Stacey Roth answered a variety of questions asked by Commissioners.

Commissioner Ashmun asked for a definition of private and public development.

Mr. Horner referenced NJAC 7:50- 4.52 of the Comprehensive Management Plan (CMP). That section of the CMP indicates that development proposed by public agencies require approval in accordance with the CMP. Mr. Horner then read the definition of public agency as defined in the CMP.

Mr. Horner described the relevance of the SJ Gas application to this discussion. He said when the original SJG application was reviewed, staff determined it was a private application and that it was not consistent with the CMP's standards. At that point, the Memorandum of Agreement process began. He said the recently submitted SJG application is under review. Upon completion of that review, the staff will issue either an inconsistent or consistent CF.

Ms. Roth reviewed the state coordination provision in the CMP section NJAC 7:50-4.82.

Commissioner Ashmun asked what happens when there are no local approvals for the Commission to review.

Mr. Horner said there have been very few instances over the years when the Commission has issued a CF and not had any local approvals to review.

Chairman Lohbauer asked if the SJG application will require municipal permits.

Mr. Horner said he does not know the answer for certain, however, SJG may proceed to the Board of Public Utilities under a provision in the Municipal Land Use law that would exempt it from local approvals.

Ms. Roth said that after the September 11th Commission meeting, the State Ethics Commission will provide in-person ethics training.

Commissioner Avery asked Mr. Horner if Jackson Township issued permits for the development that took place at the residence with the violations that was previously mentioned.

Mr. Horner said yes, for the pool.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of two public development applications. He said Evesham Township is proposing to install a synthetic turf field and Hamilton Township is proposing to demolish a dwelling.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.013 & 2015-0047.001) (See Resolution # PC4-15-12). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Chairman Lohbauer presented the next resolution recommending approval of improvements at Michael Debbi Park in Buena Vista Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1995-1659.003) (See Resolution # PC4-15-13). Commissioner Barr seconded the motion.

Commissioner McGlinchey asked if Buena Vista has any other outstanding violations.

Mr. Horner said that to staff's knowledge this application resolves the last of Buena Vista Township's violations.

The Commission adopted the resolution by a vote of 14 to 0.

Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda

Public Comment on Agenda Items and Pending Public Development Applications

Mr. Bill Wolfe suggested using a non-fossil back-up power source at the Commission. He said after listening to the discussion regarding the South Jersey Gas (SJG) application, he was troubled that there is no opportunity for the public to express their opinion on the matter. He said the Commission should conduct informal hearings on the SJG application regardless of what the rules allow. Mr. Wolfe said Mr. Horner's description of how the SJG application did not meet the permitted use standard is not consistent with the formal record for the application. Mr. Wolfe said in the revised application, SJG was alleging new information about primarily serving the needs of the Pinelands. He said in the submittal, SJG provides arguments that are outside the scope of the CMP. He said during the MOA process he provided testimony that was not considered because it was outside of the Commission's purview. He wants the Commission to use the same control on SJG as the public had to adhere to during the comment period. Mr. Wolfe said he would be submitting formal comments. He urged the Commission to request NJDEP re-open the permits previously issued for the SJG project.

Georgina Shanley of Ocean City asked what would be significant enough to deny the CF to SJG.

Chairman Lohbauer said he was not going to speculate on a private application but said the application needs to be consistent with the CMP.

Ms. Roth offered some clarification that a CF is neither an approval nor a denial, but a completeness document that is either consistent or inconsistent with the Commission's rules.

Jeff Tittel, Sierra Club, said that the MOA process for the SJG application was open and transparent. He said there needs to be the same public involvement with the revised SJG application. He said there are inconsistencies in the application, with regard to who is

paying for the resiliency and where the energy is going. He said the power produced at BL England is going into the grid. He said unit one at BL England has been closed for a year and has not caused any brownouts. Based on the PJM analysis, BL England is not needed. PJM is not projecting an increase in demand for electricity but rather a decline. He said for those reasons alone the pipeline is not necessary.

Lena Smith of Food and Water Watch said there should be a process to allow for public input and expert opinion because the SJG application is providing public service infrastructure.

Ann Kelly said there are not enough inspectors to properly check the miles of pipeline in this country. She said it would be unwise to run a pipeline through the Pinelands.

Other Resolutions

Commissioner Prickett moved the resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level of Expenditures as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets (See Resolution # PC4-15-14). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0. (Commissioner Brown was not present for the vote.)

Ordinances Not Requiring Commission Action

Chairman Lohbauer said the Commission did not review any ordinances this past month.

At this time Commissioner Galletta signed off.

Presentation-2014 Annual Report- Long Term Economic Monitoring Program

Mr. Joe Sosik greeted the Commissioners and public. He said the Long Term Economic Monitoring program began in 1994 after a panel of economic and local experts suggested monitoring the Pinelands economy on a continual basis. The program is funded by the National Park Service. He said the 2014 report covers data from 2013. He said the goal of the report is to monitor the economic health of the Pinelands using 21 variables. He said the majority of the data was obtained at the municipal level. He said census housing data and point data derived from addresses were new to the report. He provided information on population, real estate, economy and municipal finance.

Link to the Presentation slides:

<http://www.state.nj.us/pinelands/home/presentations/2014LTEMPresentation.pdf>

Link to the Report: http://www.state.nj.us/pinelands/landuse/econ/LTEM_Annual_Report-2014.pdf

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

Jeff Tittel said many years ago people thought the Pinelands would hurt Atlantic City economically but it seems the opposite has occurred as the Pinelands are thriving and Atlantic City is not. He raised concerns about the new sewer service areas. He said NJDEP did not do a proper environmental analysis. He said he fears pressures will build to change the plan to conform to the infrastructure.

Bill Wolfe announced that NJDEP is proposing new stream encroachment regulations. He said the regulations could abolish the stream buffer protection program and turn it into a mitigation program. He asked if the proposed regulations would impair the Commission's ability to impose their buffer requirements.

Mr. Tittel said the public comment for stream encroachment proposal will begin in two weeks and the comment period will last 60 days. He said the regulations propose removing a 150 ft. buffer from acidic streams, which include Atlantic white cedar swamps.

Other

Commissioner Ashmun requested that all Memoranda of Understanding and Memoranda of Agreement with NJDEP be reviewed.

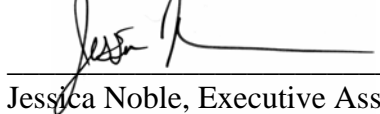
Commissioner Prickett said that today is a great day for Commissioners and members of the public to take a look at the Bog Garden. He said Paul Leakan did a great job in creating the garden.

Commissioner Prickett said that the 32nd Annual Blueberry festival will be held at Whitesbog on Saturday, June 27, 2015.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:44 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 23, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 12

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.013 & 2015-0047.001)

Commissioner Mc Glinchey moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

1985-0619.013

Applicant: Evesham Township
Municipality: Evesham Township
Management Area: Pinelands Regional Growth Area
 Pinelands Rural Development Area
Date of Report: May 22, 2015
Proposed Development: Installation of a synthetic turf athletic field and sidewalk; and

2015-0047.001

Applicant: Hamilton Township
Municipality: Hamilton Township
Management Area: Pinelands Forest Area
Date of Report: May 22, 2015
Proposed Development: Demolition of a single family dwelling, 50 years old or older.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0619.013 & 2015-0047.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE				NAY				NP				ABS				AYE				NAY				NP				ABS				AYE				NAY				NP				ABS			
Ashmun	X							Earlen	X								Prickett	X																													
Avery	X							Galletta	X								Quinn	X																													
Barr	X							Jannarone	X								Rohan Green	X																													
Brown	X							Lloyd	X								Witt																														
DiBello	X							McGlinchey	X								Lohbauer	Y																													

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Date: June 12, 2015

Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

May 22, 2015

Nancy Jamanow, P.E., C.M.E., P.P., Director of Community Development
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Re: Application # 1985-0619.013
Evesham Township Memorial Park Complex
Block 44, Lot 6
Evesham Township

Dear Ms. Jamanow:

The Commission staff has completed its review of this application for the installation of a synthetic turf athletic field and sidewalk. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 12, 2015 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure
c: Secretary, Evesham Township Planning Board (via email)
Evesham Township Construction Code Official (via email)
Evesham Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Trevor Taylor, CME





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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 22, 2015

Nancy Jamanow, P.E., C.M.E., P.P., Director of Community Development
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Application No.: 1985-0619.013

Location: Evesham Township Memorial Park Complex
Block 44, Lot 6
Evesham Township

This application proposes the installation of a synthetic turf athletic field and sidewalk at the Evesham Township Memorial Park Complex located on the above referenced 65.27 acre parcel in Evesham Township.

This application proposes an 81,600 square foot synthetic turf athletic field in the location of an existing grassed athletic field. This application also proposes the installation of 1,338 linear feet of sidewalk ranging between six and twenty feet in width.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a)1)

The parcel is located partially in a Pinelands Regional Growth Area (40.57 acres) and partially in a Pinelands Rural Development Area (24.7 acres). The proposed development will be located on the portion of the parcel located in a Regional Growth Area. Intensive recreational facilities are a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the above referenced parcel. All proposed development will maintain a 175 foot buffer to wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located within an existing grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a stormwater management basin.

There are multiple existing stormwater management basins on the parcel. These basins were constructed so that prior recreational development on the parcel, approved by the Commission, would meet the stormwater management standards of the Township land use ordinance and the CMP. One of the existing basins located immediately south of existing tennis courts on the parcel is not functioning properly. To address this issue, the applicant proposes to drain the concerned basin and conduct a soil investigation. The applicant has indicated that the soil investigation and a remediation plan will be completed and submitted to the Commission staff by June 30, 2015. Upon Commission staff approval, the remediation plan will be implemented no later than by December 31, 2015.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on February 27, 2015. Newspaper public notice was completed on March 2, 2015. The application was designated as complete on the Commission's website on April 27, 2015. The Commission's public comment period closed on May 8, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 10 sheets, prepared by CME Associates and dated as follows:

Sheets 1-10 - February 27, 2015; last revised April 10, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Any discharge from dewatering of the existing stormwater basin that will be subject of the remediation plan shall not occur in wetlands or the required 175 foot buffer to wetlands.
6. The applicant shall submit a report to the Commission staff detailing the results of the soil investigation and a proposed remediation plan for the existing stormwater basin by June 30, 2015. Upon Commission staff approval, the applicant shall implement the remediation plan no later than by December 31, 2015.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor
Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman
Nancy Wirtenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

May 22, 2015

Philip C. Sartorio, Director of Community Development
Hamilton Township
6101 Thirteenth Street
Mays Landing, NJ 08330

Re: Application # 2015-0047.001
Block 611, Lot 17
Hamilton Township

Dear Mr. Sartorio:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older, on the above referenced parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 12, 2015 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)





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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 22, 2015

Philip C. Sartorio, Director of Community Development
Hamilton Township
6101 Thirteenth Street
Mays Landing, NJ 08330

Application No.: 2015-0047.001

Location: Block 611, Lot 17
Hamilton Township

This application proposes the demolition of a single family dwelling, 50 years old or older, located on the above referenced 1.91 acre parcel in Hamilton Township.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.23)

The parcel is located in a Pinelands Forest Area. The demolition of a single family dwelling is permitted in the Pinelands Area.

Cultural Resource Standards (N.J.A.C. 7:50-6.155)

The application proposes the demolition of a dilapidated single family dwelling constructed in 1961. A cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on April 27, 2015. The Commission's public comment period closed on May 8, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
3. In accordance with the CMP (N.J.A.C. 7:50-4.1(a)1), the reconstruction of this single family dwelling, within five years of its demolition, does not require application to the Commission.

CONCLUSION

As the proposed demolition conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed demolition subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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PINELANDS COMMISSION APPEAL PROCEDURE

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1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 13

TITLE: Approving With Conditions an Application for Public Development (Application Number 1995-1659.003)

Commissioner Avery moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1995-1659.003

Applicant: Buena Vista Township
Municipality: Buena Vista Township
Management Area: Pinelands Forest Area
Date of Report: May 22, 2015
Proposed Development: Recreational improvements at the Michael Debbi Park.

WHEREAS, the recreational improvements subject of this application occurred without application to, and approval by, the Commission and constitute a violation of the application requirements of the Pinelands Comprehensive Management Plan; and

WHEREAS, completion of this application is intended to address this violation; and

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1995-1659.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE	NAY	NP	ABS	AYE	NAY	NP	ABS	AYE	NAY	NP	ABS
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn	X		
Barr	X			Jannarone	X			Rohan Green	X		
Brown	X			Lloyd	X			Witt		X	
DiBello	X			McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Date: June 12, 2015

Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

General Information: Info@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us

May 22, 2015

Chuck Chiarello, Mayor
Buena Vista Township
890 Harding Highway
Buena Vista Township, NJ 08310

Re: Application # 1995-1659.003
Block 5102, Lots 12 & 13
Buena Vista Township

Dear Mayor Chiarello:

The Commission staff has completed its review of this application for recreational improvements at the Michael Debbi Park. This application also proposes to develop two stormwater management basins. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 12, 2015 meeting.

Other than the two proposed stormwater management basins, the recreational improvements subject of this application occurred without application to, and approval by, the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address that violation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

- c: Secretary, Buena Vista Township Planning Board (via email)
Buena Vista Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)



Atlantic County Division of Public Health (via email)
David Scheidegg, P.E.
Mark Demitroff



Chris Christie
Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 22, 2015

Chuck Chiarello, Mayor
Buena Vista Township
890 Harding Highway
Buena Vista Township, NJ 08310

Application No.: 1995-1659.003

Location: Michael Debbi Park
Block 5102, Lots 12 & 13
Buena Vista Township

This application is for recreational improvements at the Michael Debbi Park located on the above referenced 36.45 acre parcel in Buena Vista Township.

The recreational improvements consist of the paving of a 36,000 square foot parking lot, the installation of 2,431 linear feet of sidewalk and paved pedestrian path, the construction of a car port, four storage sheds and a 720 square foot restroom facility, the placement of a 306 square foot storage trailer and gazebo and the installation of field lighting. This application also proposes to develop two stormwater management basins.

Other than the two proposed stormwater management basins, the recreational improvements subject of this application occurred without application to, and approval by, the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address that violation.

On September 13, 2002, an application for the development of an 820 linear foot woodchip walking trail on the above referenced parcel was approved by the Commission (App. No. 1995-1659.002). The applicant constructed a portion of the approved woodchip walking trail at a location other than that approved by the Commission. The concerned portion of the walking trail was constructed in wetlands in violation of the wetland protection standards of the Buena Vista Township land use ordinance and the CMP. As part of the current application, it is proposed to relocate the walking trail outside of wetlands.

STANDARDS

The Commission staff has reviewed the development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.23)

The development is located in a Pinelands Forest Area. The park existed prior to January 14, 1981, the date the CMP was adopted. The park is a pre-existing nonconforming use in a Forest Area. The CMP (N.J.A.C. 7:50-5.2(b)) permits a fifty percent expansion of a nonconforming use in a Forest Area provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. Prior to January 14, 1981, the park occupied approximately 19 acres of the 36.45 acre parcel. The development subject of this application will be located in the 19 acre portion of the parcel that was developed as a park as of January 14, 1981 and constitutes a less than fifty percent expansion of the area of the use as of January 14, 1981. The area of the development subject of this application meets this fifty percent expansion provision and is a permitted land use.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the above referenced parcel. Development and clearing were located immediately adjacent to the wetlands prior to the adoption of the CMP in 1981. The development that has occurred is maintaining an appropriate buffer to the wetlands.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The development subject of this application was, and will be, located over existing stone and grassed areas. The clearing and soil disturbance was, and will be, limited to that which is necessary to accommodate the development. No clearing is proposed for the relocation of the walking trail.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. This application does not propose any revegetation.

Water Quality Standard (N.J.A.C. 7:50-6.84(a)4)

The park is serviced by onsite septic system. The applicant has demonstrated that the development is consistent with the groundwater quality (septic dilution) standard of the CMP.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct two stormwater infiltration basins on the parcel.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 20, 2014. Newspaper public notice was completed on October 17, 2014. The application was designated as complete on the Commission's website on April 15, 2015. The Commission's public comment period closed on May 8, 2015. The Commission received one written public comment letter dated October 1, 2010 regarding this application.

Public Comment One:

This commenter raised concerns that a proposed athletic field would be located within wetlands and the required buffer to wetlands. The commenter was also concerned that the athletic field would be located in Barred owl habitat. Lastly, the commenter was concerned that development, resulting in two acres of additional impervious surfaces, has already occurred on the parcel without completion of an application with the Commission.

Response to Public Comment One:

The proposed athletic field subject of the public comment was eliminated from the application. The additional development subject of the public comment that occurred on the parcel without application to the Commission is subject of the current application.

CONDITIONS

1. Except as modified by the below conditions, the development shall adhere to the plan, consisting of five sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:

Sheets 1-4 - June 21, 2011; revised to March 17, 2015
Sheet 5 - December 14, 2010; revised to March 17, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Any revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

CONCLUSION

As the development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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app # 1995-1659.003
DocType 110

OCT - 5 2010

✓ signed
VIO reported 9/28/10

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

**RE: PROPOSED ATHLETIC FIELDS
MICHAEL DEBBI PARK**

October 1, 2010
Ms. Rhonda Ward
NJ Pinelands Commission
PO Box 359
15 Springfield Road
New Lisbon, NJ 08064

Application #8000.24, Richland Village,

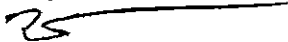
Rhonda,

I am writing in response to a letter from David Scheidegg to Ernest Deman dated September 16, 2010 (*addenda*). Within, the Township expressed interest in developing an additional athletic field upon the site of the Environmental Commission's nature trail. Please be aware that:

- 1) the proposed field expansion location is primarily classified as hydric soils (Figure 1), requires a 300-foot wetlands buffer from the Debbi Pond and Abbott's Branch of the South River (Figure 2), and that its terrain ranks 3 on the NJDEP Landscape Project for barred owl occurrence (Figure 3); and
- 2) I estimate that over 2 acres of impervious surface has been added when projects A-G were built (Figure 5; Table 1). Please provide evidence that A-G have been Pinelands approved.

There appears to be a pattern of blatant disregard for the Pinelands Comprehensive Management Plan rules and the Pinelands Commission's authority. Buena Vista Township has little incentive to break old habits if your response is passive at best, enabling at worst. I await your response.

Sincerely,



Mark Demitroff

cc: Candace Ashmun, Acting Chair Commissioner
cc: Theresa Lettman, Pinelands Preservation Alliance

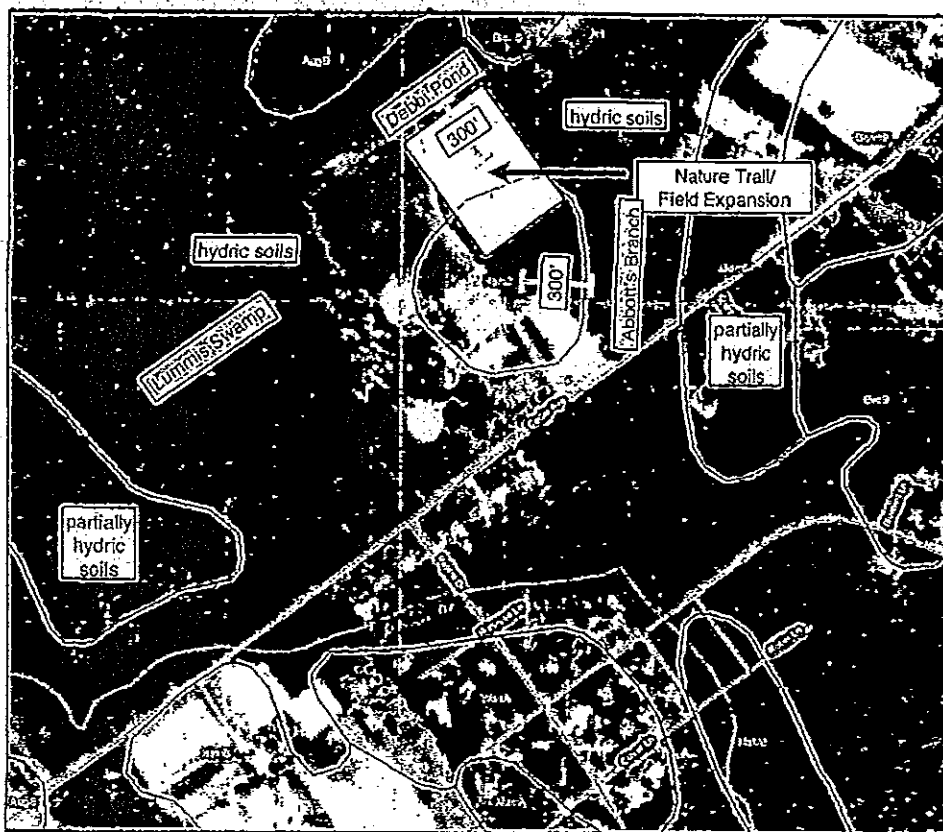


Figure 1 Diagram indicating that the proposed field expansion (yellow rectangle) will be on hydric soils (NRCS, 2008). Even if the soil were suitable for development, 300-foot buffers to the Debbi Pond and Abbot's Branch will leave insufficient room for practical use (see Figure 2).

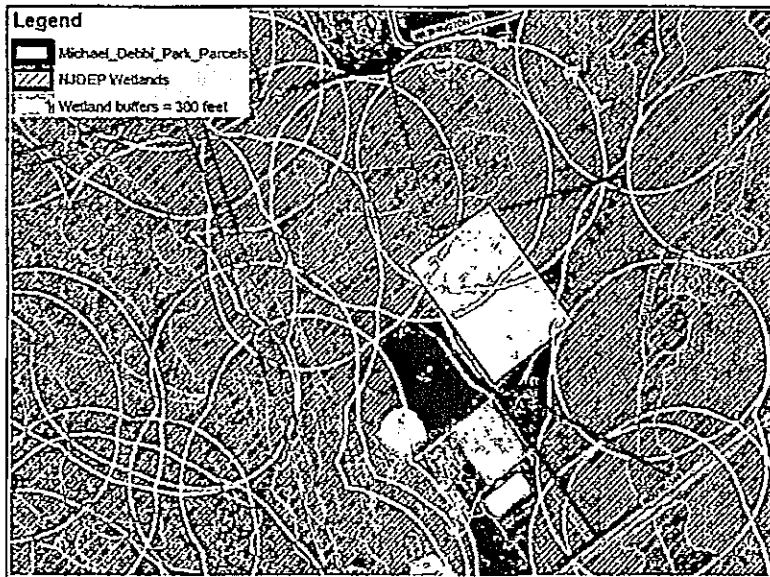


Figure 2 Diagram showing 300-foot buffers to NJDEP designated wetlands (courtesy Great Egg Harbor Watershed Association) with field expansion in yellow rectangle.

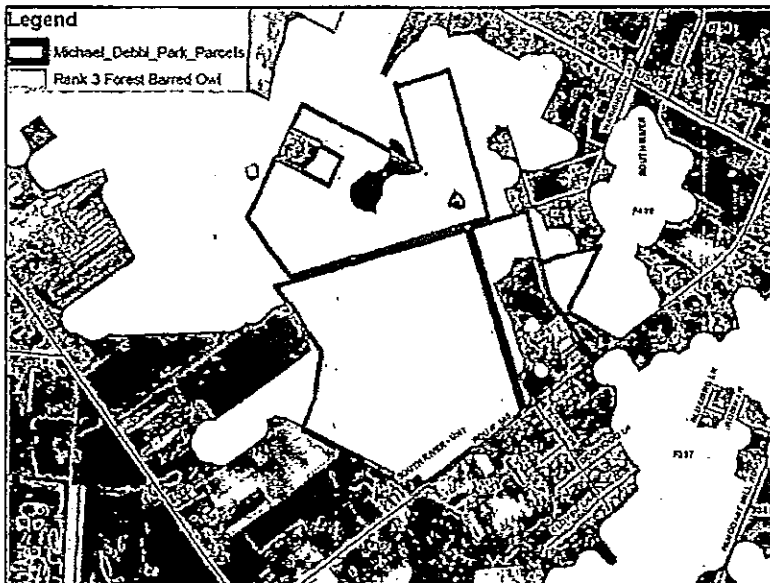


Figure 3 Additional diagram showing the presence of Barred Owl on NJDEP designated wetlands (courtesy Great Egg Harbor Watershed Association) on NJDEP Landscape Project images.

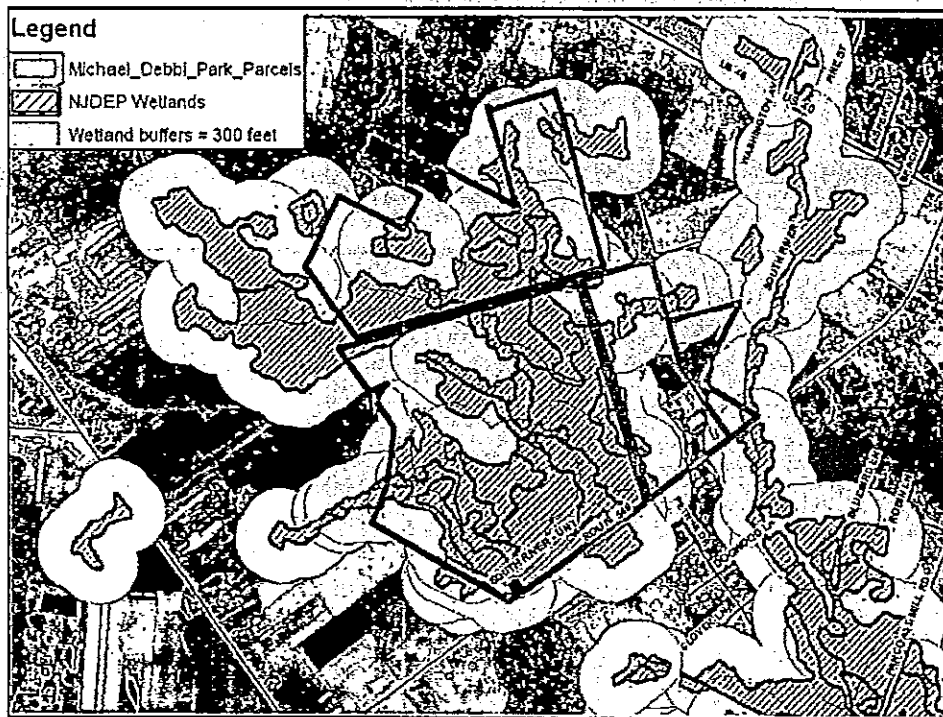


Figure 4 Additional diagram showing 300-foot buffers to NJDEP designated wetlands on Landscape Project images (courtesy Great Egg Harbor Watershed Association).

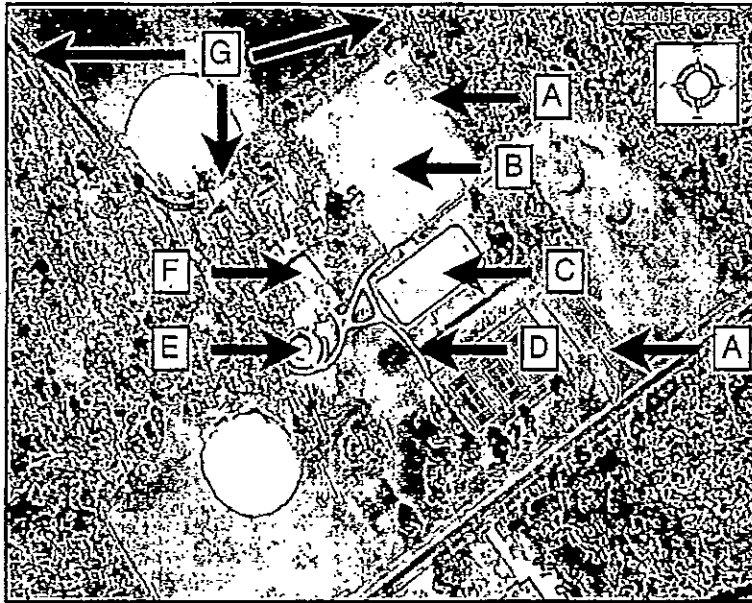


Figure 5 Aerial image of Michael Debbi Park showing items of inquiry explained in Table 1 below.. Image Date: 3/15/2007 Resolution: 0.3 meters Provider: AerialsExpress Meters/Pixel: 0.5 meters.

ADDED IMPERVIOUS SURFACE - MICHAEL DEBBI PARK			
ID	Description	Material	Sq. Ft.
A	Driveway	asphalt	19,860
B	Parking Lot (#4 of Scheidegg @ 36,000 sq. ft.)	asphalt	38,976
C	Hockey Rink	concrete/ asphalt	13,600
D	Sidewalks	concrete	3,120
E	Gazebo	concrete	1,820
F	Pavillon	concrete	1,961
G	Walkway (#9 of Scheidegg)	asphalt	20,585

Table 1 As-is list of questioned impervious surfaces built at Michael Debbi Park (cf. Scheidegg, September 16, 2010, *addenda*).



Rami N. Nussar, PE, PR CME
David S. Scheidegg, PE, PR CME
Andrew F. Schaeffer, PE, PP
Daniel F. Kwapinski, PE, PP
Howard A. Transue, PLS

September 16, 2010

Mr. Ernest Deman, Environmental Specialist
New Jersey Pinelands Commission
P. O. Box 359
New Lisbon, NJ 08064

RECEIVED
SEP 20 2010
BUENA VISTA TWP.
CLERK'S OFFICE

RE: Buena Vista Township
Proposed Athletic Field
Mike Debbie Park
Block 5001, Lot 2
Block 5101, Lot 16 and 20
Block 5102, Lot 12, 13 and 14
Buena Vista Township, Atlantic County, NJ
Application #95-1659.02
Our File: 8000.24

Dear Mr. Deman:

On July 22, 2010, our office, on behalf of Buena Vista Township, submitted an application for a proposed additional athletic field at the existing Mike Debbie Park in Buena Vista Township.

It has come to our attention that several improvements to this park have occurred over the past many years since our last application. Attached you will find a plan depicting all improvements to this park in an effort to have your file on the Mike Debbie Park be as current as possible.

Since our last submission in 2001, which was for the proposed Nature Trail, the following activities have taken place:

1. The existing restroom facility, which was in poor condition, was removed and replaced with a new structure. The new facility provides for some storage area and is approximately 60 square feet larger than the old facility. No changes to the servicing septic system or well were performed.
2. An existing 10' x 10' shed was relocated from the existing basketball court area to the concession stand area near the existing pavilion.
3. The existing tennis courts were reconstructed and refined.
4. The existing 36,000 sf parking area, which was previously constructed of compacted crushed stone/gravel/PAP, has been surfaced with asphalt. It is our opinion that the stormwater runoff from the 20+ year old compacted parking area is equivalent to the runoff from the recently paved parking lot and therefore, no additional stormwater management is necessary.
5. Buena Vista Township Public Works, over the past 10+ years has installed several small sheds to accommodate the storage of park maintenance equipment. Four (4) sheds with measurements of 8' x 6', 8' x 12', 10' x 10' and 14' x 30' have been placed at Mike Debbie Park between unpaved Debbie Drive and the existing baseball field.
6. The existing basketball court was reconstructed and refined.

* #4. If you accept that a "20+ year old compacted parking area is equivalent to the runoff from the recently paved parking lot" than I wish to add a whole lot more impervious area to my list at the park and in Richland Village!

7. An 18' x 20' temporary aluminum carport has been installed adjacent to the existing concession area.
8. A 7'8" x 40' temporary storage trailer has been placed on site by the Buena Regional football teams to store athletic equipment. This temporary storage shelter is located adjacent to the existing concession stand and announcer's booth by the existing football field.
9. The Township installed a paved pedestrian path approximately 1,800 lineal feet long around the existing baseball and football fields as a safe exercise area for Township residents.
10. A small pedestrian "bridge" was installed over a portion of the existing stormwater management area.
11. A sign was recently constructed identifying the "Aldo Falasca Field", which is adjacent to the proposed football field area.
12. The existing nature trail, which was constructed by volunteers, is proposed to be removed in the area of the proposed football field.

The previous application was for Block 5102, Lots 12 and 13, which contains approximately 36.45 acres. Over the past several years, the municipality has acquired Block 5102, Lot 14, Block 5101, Lots 16 and 20 and Block 5001, Lot 2 to enlarge the Mike Debbie Park. These lands encompass an additional 180.75 acres. These areas are not slated for development and have been purchased as open space area.

Considering the overall size of the recreation area (217+ acres) and the limited area of activity (15 acres), we believe that no additional stormwater management is necessary for the recently constructed and proposed improvements.

We trust that the plans and our explanation of the improvements to the Michael Debbie Park meet with your approval. We believe that the municipality's limited improvements to the existing park (36.5 acres) and purchase of the additional 180.75 acres of open space area to mitigate any adverse affects, is in conformance with the intent of the Pinelands Comprehensive Management Plan and our obligation to be good stewards of public lands.

Also enclosed are tax maps highlighting the lands owned by Buena Vista Township immediately adjacent to the Mike Debbie Park.

Should there be questions or you require any additional information, please do not hesitate to contact our office.

Sincerely,

 Schaeffer Nasar Scheldagg
 Consulting Engineers, LLC

David S. Scheldagg, PE, PP, CME
 Buena Vista Township

Enclosures
 cc: Mr. Charles Horner, PP, Pinelands Commission
 Mayor Chairman and Township Committee
 Dawn Gorman, Township Administrator

* The purchased lands alluded to are part of the Lummis Swamp, wetlands that have no development potential (Figure 3). It is deceitful to invoke their conservation as justification to ignore Pinelands rules. However, adding developable land to BVT's open space inventory may be a viable mitigation in this instance.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 14

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level of Expenditures as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets

Commissioner Prickett moves and Commissioner Uagel seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,469,000 to support the Commission's operations during Fiscal Year 2016; and

WHEREAS, the Personnel and Budget Committee recommends Commission adoption of this resolution; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2016 at the same level of expenditures as Fiscal Year 2015 until adoption of the Fiscal Year 2016 Budgets by the Commission.

Record of Commission Votes

AYE	NAY	NP	ABS	AYE	NAY	NP	ABS	AYE	NAY	NP	ABS
Ashmun	<input checked="" type="checkbox"/>			Earlen	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>		
Avery	<input checked="" type="checkbox"/>			Galletta	<input checked="" type="checkbox"/>			Quinn	<input checked="" type="checkbox"/>		
Barr	<input checked="" type="checkbox"/>			Jannarone	<input checked="" type="checkbox"/>			Rohan Green	<input checked="" type="checkbox"/>		
Brown	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Witt		<input checked="" type="checkbox"/>	
DiBello	<input checked="" type="checkbox"/>			McGlinchey	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>		

Adopted at a meeting of the Pinelands Commission

Date: June 12, 2015

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



Long-Term Economic Monitoring Program

2014 Annual Report

Long-Term Economic Monitoring Report

2014 Annual Report

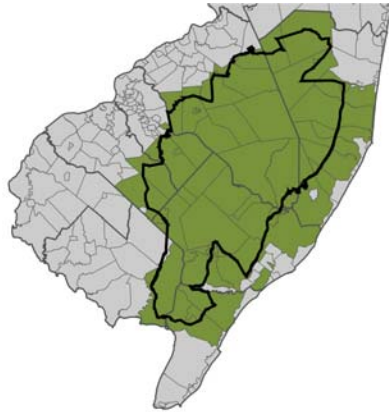
- Funded by the National Park Service
- *First Annual Report* published in 1997
- Program Goal: to continually evaluate the economic health of the Pinelands in an objective and reliable manner.
- Looks at 21 variables plus supplemental variables



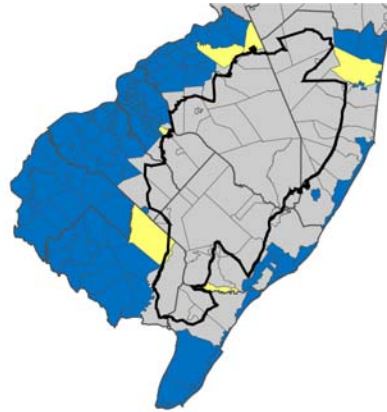
Geographic Definitions

The Pinelands vs. The Non-Pinelands

Pinelands Municipalities



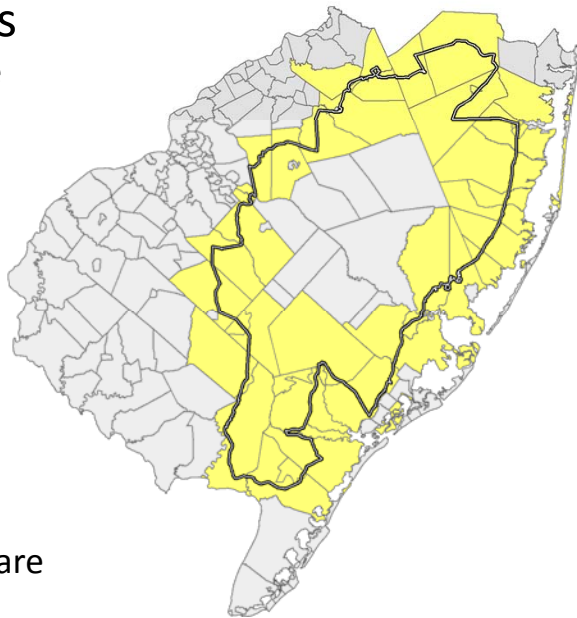
Non-Pinelands Municipalities



Special Studies

"Split-Town" - Update

- 21 variables total
- 8 variables split
 - Census Population
 - Median Age
 - **Home Sales Volume**
 - **Home Sales Prices**
 - Per Capita Income
 - Employment
 - Establishments
 - Berry Production
- Several variables are likely unsplittable

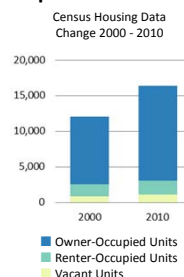


What's New?

2014 Long-Term Economic Monitoring Report

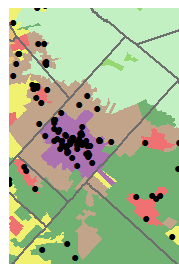
- Supplemental Variable

- Census housing data



- New Data

- Point data now available for volume of residential real estate transactions and selling prices



Population

2013 Estimates

Pinelands

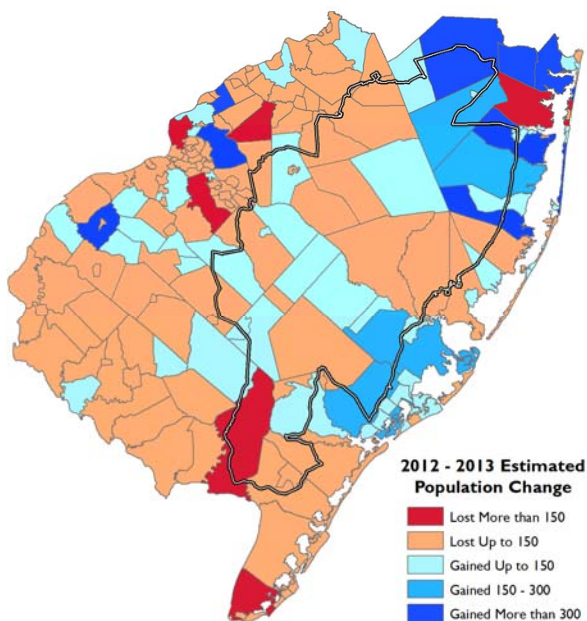
- 704,526
- $\uparrow < 1\%$

Non-Pinelands

- 1,727,102
- $\downarrow < 1\%$

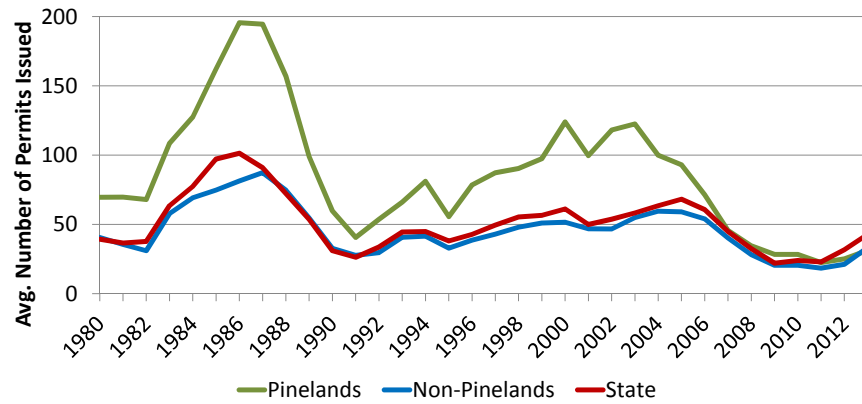
State

- 8,899,339
- $\uparrow < 1\%$



Real Estate

Building Permits for Dwelling Units (Avg.)



Pinelands

- 31 Permits
- ↑ 25%

Non-Pinelands

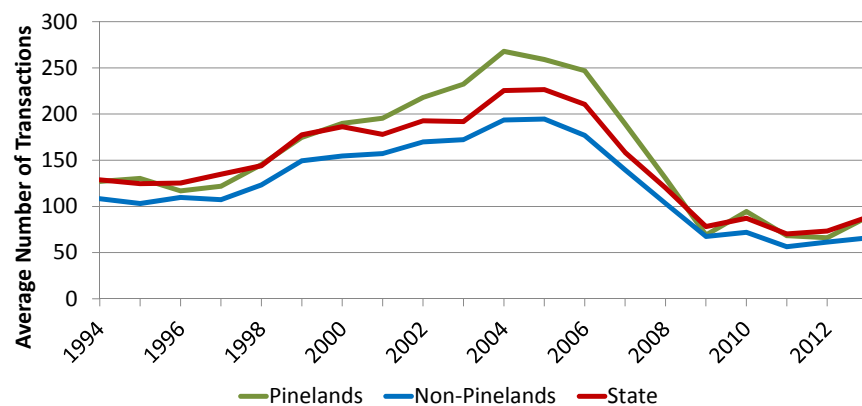
- 33 Permits
- ↑ 57%

State

- 43 Permits
- ↑ 35%

Real Estate

Residential Real Estate Transactions (Avg.)



Pinelands

- 89 Sales
- ↑ 34%

Non-Pinelands

- 66 Sales
- ↑ 7%

State

- 88 Sales
- ↑ 21%

Real Estate

Home Selling Prices (Avg.)

Pinelands

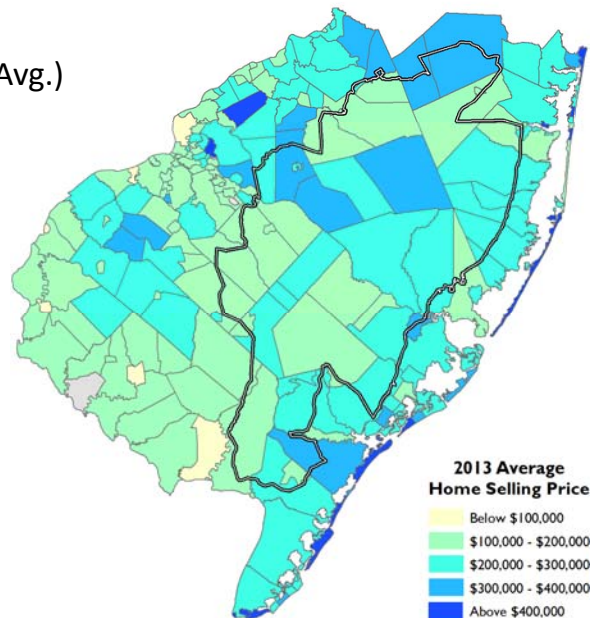
- \$227,000
- ↓ 5%

Non-Pinelands

- \$323,000
- ↓ 6%

State

- \$384,000
- ↓ 2%



Real Estate

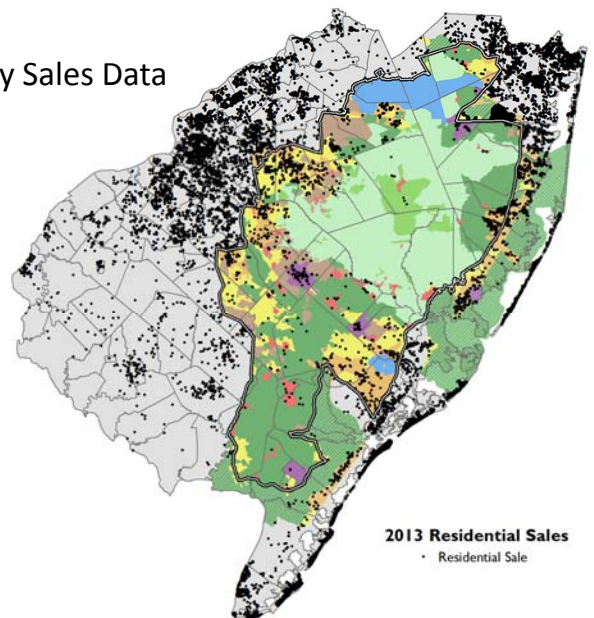
2013 In/Out Boundary Sales Data

Pinelands

- 1,500 sales
- \$229,000 avg.

Non-Pinelands

- 12,900 sales
- \$302,000 avg.



Real Estate

2013 In/Out Boundary Sales Data

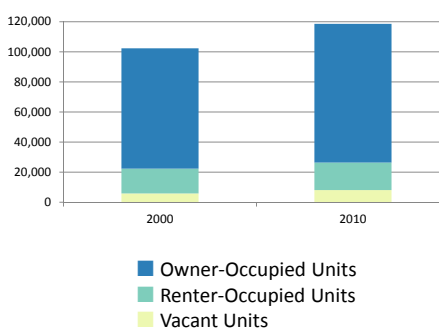
Pinelands Management Area	Pinelands Area		Pinelands Nat'l Reserve	
	Homes Sold	Avg. Price	Homes Sold	Avg. Price
Preservation Area	20	\$290,290		
Forest Area	57	\$256,204	116	\$220,040
Agricultural Production Area	31	\$266,003		
Rural Development Area	391	\$231,293	88	\$174,491
Regional Growth Area	792	\$231,914	1,094	\$201,791
Pinelands Town	125	\$175,205	14	\$208,393
Federal/Military Area	0	-		
Pinelands Village	72	\$217,940	0	-
Special Ag. Production Area	1	\$975,000		

Real Estate

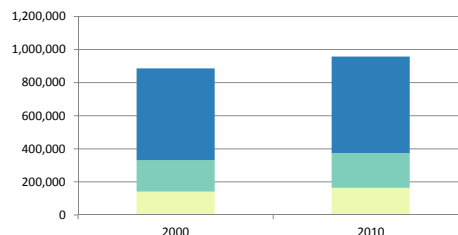
Census of Housing

- **Inside Pinelands Area**
 - 118,555 units in 2010
 - ↑ 16% from 2000
 - 83% owner occ. units
 - 7% vacant units
- **Outside Pinelands Area**
 - 958,058 units in 2010
 - ↑ 8% from 2000
 - 74% owner occ. units
 - 17% vacant units
 - Mostly seasonally vacant

Inside Pinelands Area Boundary

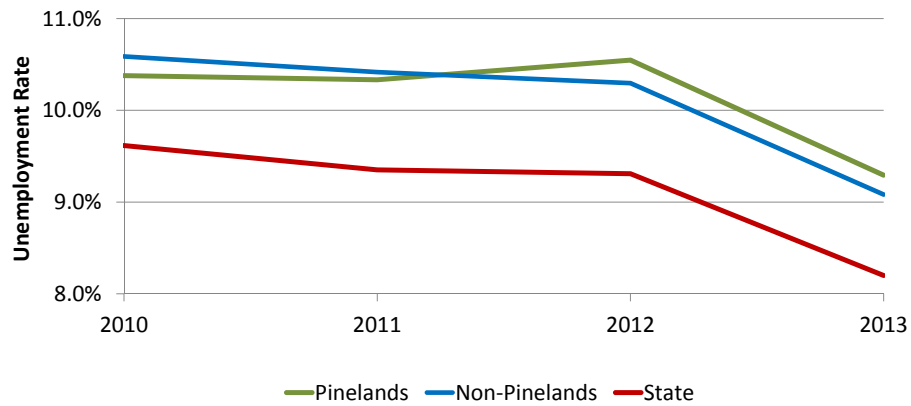


Outside Pinelands Area Boundary



Economy

Unemployment



Pinelands

- 9.3%
- ↓ 1.3 points

Non-Pinelands

- 9.1%
- ↓ 1.2 points

State

- 8.2%
- ↓ 1.1 points

Economy

Employment, Establishments, & Wages

Pinelands

- Employment
 - 140,446
 - ↑ 2%
- Establishments
 - 12,409
 - ↓ 1%
- Wages (Avg.)
 - \$37,728
 - ↓ 2%

Non-Pinelands

- Employment
 - 595,365
 - ↑ 1%
- Establishments
 - 40,659
 - ↓ 1%
- Wages (Avg.)
 - \$38,062
 - ↑ < 1%

State

- Employment
 - 3,208,738
 - ↑ 2%
- Establishments
 - 249,704
 - ↓ < 1%
- Wages (Avg.)
 - \$47,228
 - ↑ 1%

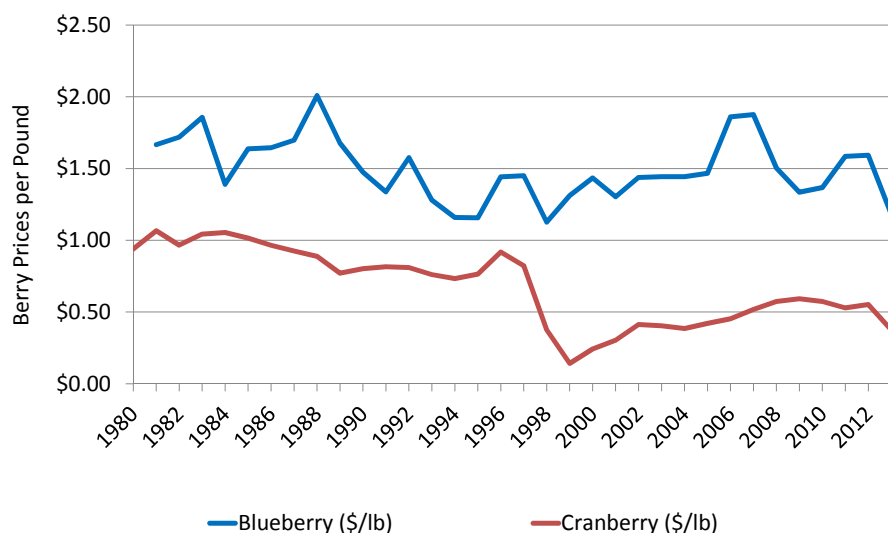
Economy

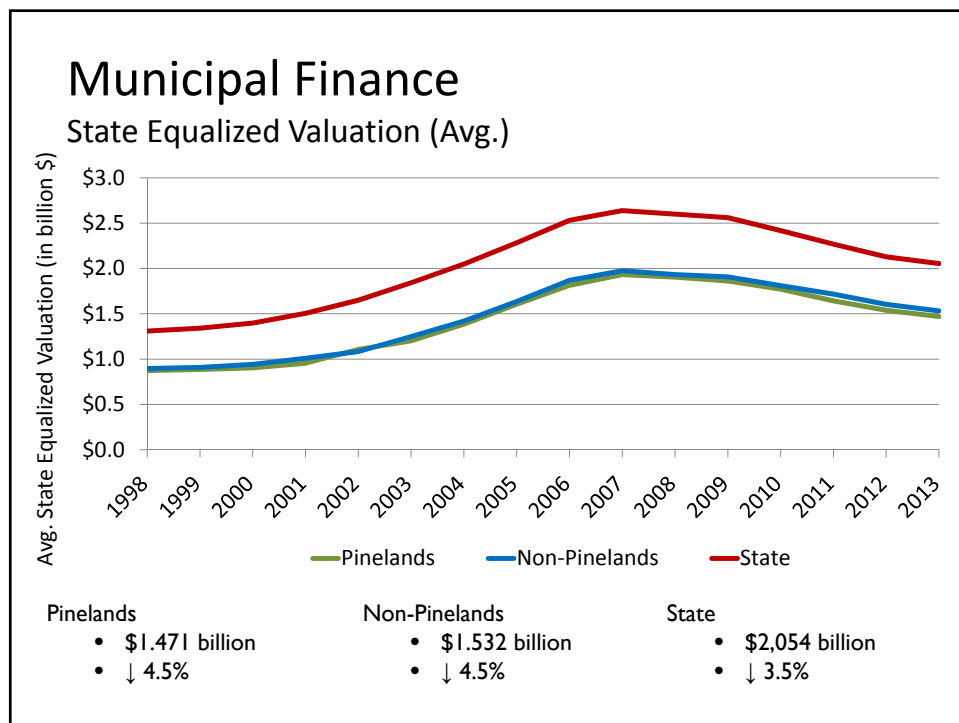
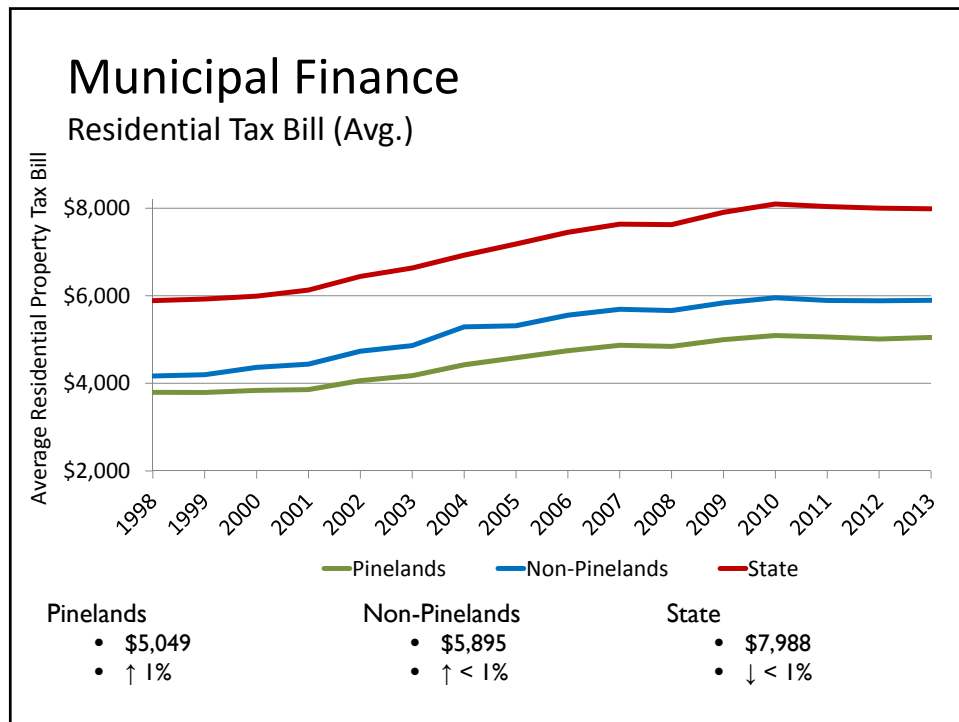
Census of Agriculture (2012 Update, finally!)

- **Pinelands Counties: 2007 - 2012**
 - 1% decline in farming acres
 - 14% decline in number of farms
 - 15% increase in average farm size
 - \$520 million in 2012 agricultural sales (52% of state total)
 - 17% decline in net cash income per farm
 - 15 % decline in the number of farms with net income loss

Economy

Berry Prices





Municipal Finance

Effective Tax Rate (Avg.)

Pinelands

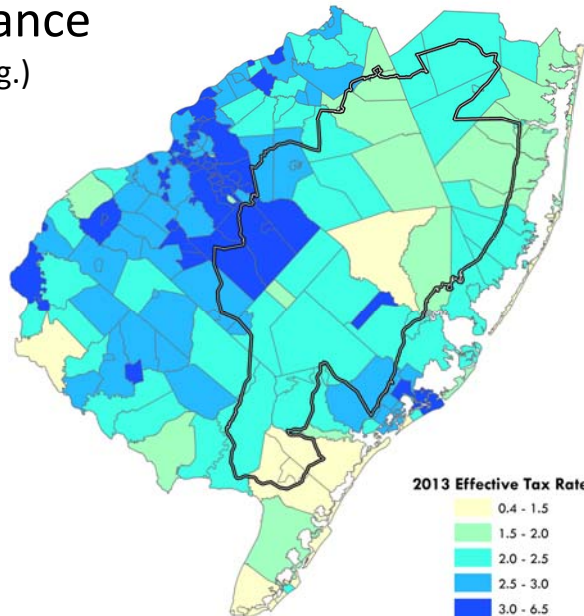
- 2.27
- ↑ 8%

Non-Pinelands

- 2.52
- ↑ 8%

State

- 2.42
- ↑ 7%



Municipal Finance

Local Municipal Purpose Revenues

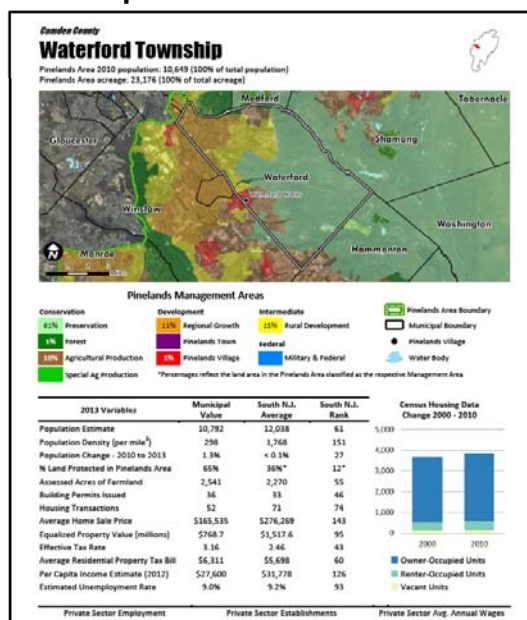
Pinelands

- Municipal Budget per Capita
 - 2013: \$858
 - 2000: \$799
 - ↑ 7%
- State Aid per Capita
 - 2013: \$119
 - 2000: \$214
 - ↓ 44%

Non-Pinelands

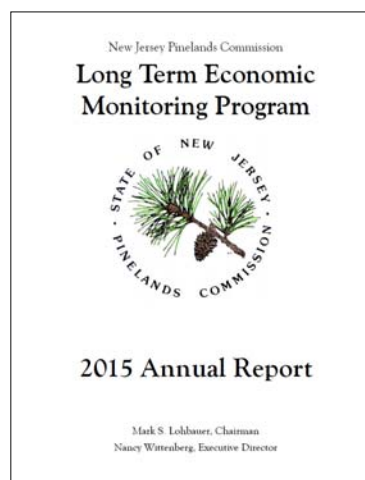
- Municipal Budget per Capita
 - 2013: \$1,366
 - 2000: \$1,187
 - ↑ 15%
- State Aid per Capita
 - 2013: \$173
 - 2000: \$244
 - ↓ 29%

2014 Municipal Fact Book



What's next?

- Periodic Program Review
 - Renew program again with experts
 - Discuss program and how to possibly improve process
- Summary brochure of the Environmental and Economic Monitoring Programs
- New Annual Data (time permitting)
 - Supplemental data
 - Continue “split-town” data acquisition as feasible





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1991-1108.009)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1991-1108.009

Applicant:

Municipality:

Management Area:

Date of Report:

Proposed Development:

Pemberton Township

Pemberton Township

Pinelands Regional Growth Area

June 22, 2015

Construction of a 996 square foot potable water treatment building

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1991-1108.009 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Earlen					Prickett				
Avery					Galletta					Quinn				
Barr					Jannarone					Rohan Green				
Brown					Lloyd					Witt				
DiBello					McGlinchey					Lohbauer				

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

June 22, 2015

David Patriarca, Mayor
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1991-1108.009
Block 941, Lot 2
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for the construction of a 996 square foot potable water treatment building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 10, 2015 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

Charles M. Horner, P.P.
Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
John Helbig





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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PO Box 359
New Lisbon, NJ 08064
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www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 22, 2015

David Patriarca, Mayor
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1991-1108.009

Location: Block 941, Lot 2
Pemberton Township

This application proposes the construction of a 996 square foot potable water treatment building located on the above referenced 9.92 acre parcel in Pemberton Township. There is an existing 300 square foot building, 500,000 gallon potable water storage tank and a municipal potable water production well located on the parcel.

Radium that exceeds the State of New Jersey's maximum contaminant level has been detected in the existing potable water well. The proposed 996 square foot building will contain radium removal treatment equipment to treat water from the existing well. The treatment facility includes an absorption filter system that binds radium to a medium material that can be replaced. The used medium material will be removed from the site by an approved carrier for disposal at an appropriately licensed facility.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the Pinelands Comprehensive Management Plan (CMP). The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a))

The parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted use in a Pinelands Regional Growth Area.

Vegetation Management Standards (N.J.A.C. 7:50-6.23 & 6.26)

The proposed development will be located over existing stone and grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. Based upon the limited area of disturbance and the proposed use of that area, the applicant does not propose any revegetation.

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a subsurface stormwater runoff infiltration system.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to land owners within 200 feet of the above referenced parcel was completed on February 4, 2015. Newspaper public notice was completed on February 6, 2015. The application was designated as complete on the Commission's website on May 27, 2015. The Commission's public comment period closed on June 12, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 13 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

 Sheet 1 - undated; revised to March 9, 2015
 Sheets 2 & 5-11 - January 28, 2015
 Sheets 3, 4 & 12 - January 28, 2015; revised to March 9, 2015
 Sheet 13 - January 28, 2015; revised to February 26, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

TITLE: Denying an Application for a Waiver of Strict Compliance (Application Number 2010-0150.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be denied:

2010-0150.001
Applicant: Dominic S. Constantine
Municipality: Medford Township
Management Area: Pinelands Regional Growth Area
Date of Report: June 22, 2015
Proposed Development: Single family dwelling

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for this application; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 2010-0150.001 for a Waiver of Strict Compliance is hereby denied.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Earlen					Prickett				
Avery					Galletta					Quinn				
Barr					Jannarone					Rohan Green				
Brown					Lloyd					Witt				
DiBello					McGlinchey					Lohbauer				

Adopted at a meeting of the Pinelands Commission Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

June 22, 2015

Dominic S. Constantine
60 Neeta Trail
Medford Lakes, NJ 08055

Re: Application # 2010-0150.001
Block 2101, Lot 6
Medford Township

Dear Mr. Constantine:

The Commission staff has completed its review of this application for the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission deny the application at its July 10, 2015 meeting. If the Pinelands Commission denies this application, the State of New Jersey may purchase this parcel under the Limited Practical Use (LPU) Program. By letter of May 21, 2015, we sent you the LPU Program Landowner Questionnaire to be returned to our office if the Commission denies this application for a Waiver of Strict Compliance (Waiver).

FINDINGS OF FACT

This application is for the development of one single family dwelling, served by public sanitary sewer, on the above referenced 25,000 square foot parcel in Medford Township. The parcel is located in Medford Township's Growth District (GD) zoning district within a Pinelands Regional Growth Area. In this zoning district, the Medford Township land use ordinance requires a minimum lot size of 14,000 square feet and a residential density of 1.75 dwelling units per acre (equivalent of 24,891 square feet/dwelling) for a single family dwelling served by public sanitary sewer. The proposed dwelling meets the minimum lot size and residential density requirements of the Medford Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP).

The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.



To qualify for a Waiver, an applicant must demonstrate that all CMP (N.J.A.C. 7:50-4.63) required conditions are met. The below cited facts, as more fully explained in the “Conclusion” section of this Waiver Report, are provided regarding those CMP conditions and the parcel subject of this application.

The parcel includes all contiguous land in common ownership on or after January 14, 1981.

There is vacant land bordering the parcel. The applicant has not demonstrated that this vacant land is not available for purchase at its fair market value. No information has been submitted to demonstrate that a contiguous property owner is not willing to buy the parcel for its fair market value.

No information has been submitted to demonstrate that the parcel could not be sold to a nonprofit conservation group for its fair market value. The applicant has submitted a copy of a January 25, 2011 letter from one governmental agency indicating that it is not interested in the purchase of the parcel. No other information has been submitted by the applicant to demonstrate that the parcel could not be sold to another governmental agency.

No information has been submitted to demonstrate that the parcel is incapable of having a beneficial use if utilized as authorized by the provisions of the CMP. The applicant has submitted no information to demonstrate that any inability of the parcel to have a beneficial use results from unique circumstances peculiar to the parcel which do not affect other parcels in the immediate vicinity. The applicant has submitted no information to demonstrate that any inability to have a beneficial use arises out of the characteristics of the parcel rather than the personal circumstances of the applicant or the actions and inactions of the owner or any predecessor in title.

To qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, the CMP (N.J.A.C. 7:50-4.65(b)5) requires that an applicant demonstrate that no development, including clearing and land disturbance, will be located on wetlands. An exception to this requirement is if development will be located on wetlands that meet the CMP definition of “impaired wetland” (N.J.A.C. 7:50-2.11). The parcel consists entirely of wetlands as defined by the CMP (N.J.A.C. 7:50-6.5(a)2). The proposed development will be located on wetlands. The wetlands on the parcel do not meet the CMP definition of “impaired wetlands.” Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact to the wetlands.

As the proposed development will be located on wetlands and will cause a significant adverse impact to wetlands, the applicant is requesting a Waiver from the wetlands protection requirements contained in N.J.A.C. 7:50-6.6 and 6.14.

PUBLIC NOTICE

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 30, 2015. Public notice to all property owners within 200 feet of the parcel was completed on May 4, 2015. The application was designated as complete on the Commission’s website on May 19, 2015. The Commission’s public comment period closed on June 12, 2015. The Pinelands Commission has received written public comments from three commenters all opposing the proposed development subject of this application.

Public Comments: The three public commenters indicate that, since the parcel contains wetlands and has a high water table, there are concerns regarding potential runoff/flooding that may result from the development of the proposed dwelling.

Response to Public Comments: The Commission appreciates the commenters interest in the Pinelands. The CMP specifies the conditions that must be met to qualify for a Waiver to develop a single family dwelling. For the reasons specified in the “Conclusion” section of this Waiver report, the applicant has not demonstrated that the parcel subject of this application qualifies for a Waiver.

CONCLUSION

N.J.A.C. 7:50-4.62 sets forth the standards which must be met before a Waiver can be approved.

N.J.A.C. 7:50-4.62(a) requires that for an application to be approved based on extraordinary hardship that the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified categories of development is as follows:

- iv. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which will be served by a centralized waste water treatment system.

As this application proposes a single family dwelling served by a centralized waste water treatment system in a Regional Growth Area, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous lands, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling could be the sole principal use on the parcel, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Medford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require any municipal lot area or density variances. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which would allow a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) provides that the following circumstances will result in substantial impairment of the resources of the Pinelands Area and do not comply with N.J.A.C. 7:50-4.65(a):

N.J.A.C. 7:50-4.65(b)5. Any development, except for development permitted in wetlands pursuant to N.J.A.C. 7:50-6, Part I, which will be located on any wetland unless that wetland is an impaired wetland.

The proposed development is not permitted in wetlands pursuant to N.J.A.C. 7:50-6, Part 1. The wetlands on the concerned parcel do not meet the CMP definition of “impaired wetlands.” The applicant has not demonstrated that proposed development will not be located on wetlands as required by N.J.A.C. 7:50-4.65(b)5. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)5. The application does not meet the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

As the applicant does not meet all the requirements set forth in N.J.A.C. 7:50-4.63(a), the applicant does not qualify for a Waiver pursuant to that subsection.

N.J.A.C. 7:50-4.63(b) sets forth four conditions which must be met for an applicant to qualify for a Waiver based on extraordinary hardship pursuant to that subsection.

The first condition is that the parcel includes all contiguous lands in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. As concluded above, the concerned parcel includes all contiguous lands that were in common ownership on or after January 14, 1981. The application meets the criteria contained in N.J.A.C. 7:50-4.63(b)1.

The second condition is that the parcel includes all contiguous land with no substantial improvements which is available for purchase at fair market value, including lands which are contiguous as a result of the acquisition of other contiguous lands. There is vacant land bordering the concerned parcel. The applicant has not demonstrated that the vacant land is not available for purchase at fair market value. The application does not meet the criteria set forth in N.J.A.C. 7:50-4.63(b)2.

The third condition is that the parcel, including all contiguous lands which are available pursuant to N.J.A.C. 7:50-4.63(b)1 and 2, may not have a beneficial use considering five enumerated factors.

The first factor to be considered is the value of any existing development or use of the overall parcel, including any allocation of Pinelands Development Credits (PDCs). The overall parcel is vacant and the applicant has not established any use on the parcel. PDCs are not allocated to lands in a Regional Growth Area.

The second factor to be considered is the value of any use or development of the parcel that is authorized by the provisions of the CMP. The applicant has submitted no information to address the value of any use or development of the parcel that is authorized by the provisions of the CMP.

The third factor to be considered is the ability of the property owner to sell the parcel to the owner of a contiguous parcel, any governmental agency or to a nonprofit conservation group for its fair market value. The applicant has submitted a copy of a January 25, 2011 letter from one government agency indicating that it is not interested in the purchase of the parcel. The applicant has submitted no other information to demonstrate that the parcel cannot be sold for its fair market value to any other governmental agency or to a nonprofit conservation group for its fair market value.

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the concerned parcel to a noncontiguous property owner under a transfer of residential density provision contained in a certified municipal land use ordinance or pursuant to N.J.A.C. 7:50-5.30. Medford Township's certified land use ordinances do not contain a residential density transfer provision which applies to this parcel.

Based on these factors it has not been demonstrated that the overall contiguous parcel, including lands which are potentially available, may not have a beneficial use.

The fifth factor to be considered is whether any inability to have a beneficial use relates to or arises out of the characteristics of the concerned parcel and results from unique circumstances peculiar to the parcel which are not the result of any personal situation of the applicant and are not the result of any action or inactions by the application or any predecessor in title. The wetland protection requirements of the CMP apply to all other vacant parcels in the area. Any hardship which does exist is a result of the applicant's personal circumstances and their actions and inactions.

Based on these factors, the application does not meet the criteria set forth in N.J.A.C. 7:50-4.63(b)3.

The fourth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). As concluded above, the applicant has not demonstrated that a single family dwelling can be developed on the concerned parcel without violating N.J.A.C. 7:50-4.65(b)5. As a result, the applicant does not meet the criteria contained in N.J.A.C. 7:50-4.63(b)4.

As the applicant does not meet all the requirements for demonstrating extraordinary hardship contained in N.J.A.C. 7:50-4.63(b), the applicant does not qualify for a Waiver pursuant to that subsection..

As N.J.A.C. 7:50-4.63(a) and (b) are the exclusive means of establishing extraordinary hardship, the applicant does not qualify for a Waiver .

As a result, it is recommended that the Pinelands Commission **DENY** the requested Waiver of Strict Compliance.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

- A. the name and address of the person requesting the appeal;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and

environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Denial by: 
 Charles M. Horner, P.P., Director of Regulatory Programs

Enc: 5/9/15 Public Comment Letter
 5/10/15 Public Comment Email
 5/11/15 Public Comment Email
 5/29/15 Public Comment Email
 5/29/15 Public Comment Letter

c: Secretary, Medford Township Planning Board (via email)
 Medford Township Construction Code Official (via email)
 Medford Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Elizabeth Young (via email)
 Lisa & Wilhelm Zagler (via email)
 Robert Walsh & Diana Rossi (via email)
 Betsy Piner

APP# 20100150.001
Doc Type 100

5/29/2015

JUN 2 2015

Dear Commissioner of NJ Pinelands:

I just received a notice regarding above cited Pinelands Application # 2010-0150-001.

I am the owner of 130 Tuckerton Road, Medford NJ 08055.

Scanned _____

Please be formally advised that I oppose any building taking place at 129 Tuckerton Road, Medford NJ due to numerous concerns. ✓

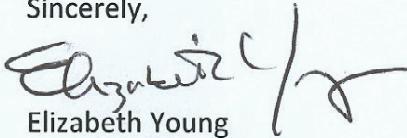
Also, be advised that I am an interested party and that any building in that site location will directly affect me and my property; therefore, I request that I be given an appointment to review your proposal and the Constantine's file. I also request a meeting with the Executive Director to discuss my concerns before a determination is made.

Please contact me at your earliest convenience at this number: 856-359-6321.

In addition, my email is elzbith@hotmail.com.

You will also be receiving a letter to this effect.

Sincerely,


Elizabeth Young

Recipient's name and mailing address:

JUN 2 2015

Elizabeth Young
130 Tuckerton Rd
Medford, NJ 08055

Date: 4/30/15

Re: Pinelands Application No. 2010-0150-001

Please take notice that Dominic S + Anna F Constantine (Applicant's name - print) has applied to the Pinelands Commission for a Waiver of Strict Compliance from the following standard(s):

- ☒ Wetland protection standards
☐ Depth to seasonal high water table for septic system
☐ Minimum lot size requirement
☐ Water quality (septic dilution)
☐ Other: _____ (Please specify)

The Waiver is necessary to permit the development of single dwelling residence (proposed development) on Block(s) 2101, Lot(s) 6 located on 129 Tuckerton (street name) in Medford Twp (municipality).

The application is on file and available for review by appointment at the Pinelands Commission's office. Interested parties may comment, in writing, to the Pinelands Commission within ten days of the date of receipt of this notice. Comments may be sent via the following:

Mail: Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
Fax: (609)894-7331
Email: ApplInfo@njpines.state.nj.us

Any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion. Any interested person who is aggrieved by said determination is entitled to a hearing by appealing the determination.

Prepared by:

Name: _____

Address: _____

APP# 2010 0150.001

✓ Doc Type 100

MAY 11 2015

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Lisa and Wilhelm Zagler
125 Tuckerton Road
Medford, NJ 08055

May 9, 2015

Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Via Fax: **609-894-7331**
2 Pages; no cover page

RE: Application No. 2010-0150.001
Dominic S and Anna F. Constantine
Block 2101, Lot 6, 129 Tuckerton Road, Medford

Dear Pinelands Commission:

I have tried to email this several times. I do not think your address is working, so I am faxing this to make sure my objection to the above-referenced application is duly noted.

My husband and I are writing to object to Dominic S. and Anna F. Constantine's application to obtain a Waiver of Strict Compliance for the property Block 2101, Lot 6, 129 Tuckerton Road.

I live at 125 Tuckerton Road, Block 2101, Lot 4. We have kept my yard as natural as possible, as we respect the beauty of the pinelands/wetlands of NJ. These lots, (5, 6, and 7) have been protected for more than 40 years. There is a plethora of flora and fauna. There are tree frogs, which, I don't have to remind you are an endangered species found only in the Pine Barrens/wetlands of NJ. There are also occasionally leopard frogs in the water part of the wet land. There are also a diverse selection of endangered ferns and indigenous plant life with occasional pitcher plants and Ladies' Slippers.

Moreover, there is no sewer on Tuckerton Road in this area, so they would need to put in a septic field. As one who already owns a property in this area, I can attest that a septic field does not work well in this area due to the high water table (you can dig with a stick and hit water).

I have photos that I took on May 7th of the property known as Block 2201, Lot 6, 129 Tuckerton Road; but, I cannot seem to get them to you as your email will not accept them. Please advise if there is another method to get them to you. The photos show a high water table as evidenced by the "lake" on the property—which you can verify its constant existence with the mosquito commission who come out every month during the summer to place the biscuits. There are high bush blueberry trees, swamp azalea, cinnamon fern—pretty much every plant on the Pinelandsalliance.org site. Again, the photos would be a really good reference if there was some way to get them to you.

Additionally, although I'm not sure if related, additional building in this area will cause MORE of this ground water to feed into my yard (I seem to be the lowest point for both ground water and above-ground water)! I already have a moat around my ¾ of my house and my yard that abuts Lot 5 is always underwater. Since you gave the approval for Arkansas Trail to be built, the amount of water in the

MAY 11 2015

Pinelands Commission

Re: Application No. 2010-0150.001

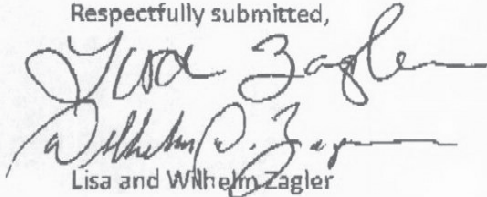
May 10, 2015

Page Two

wetlands has increased exponentially, most likely due to runoff (and then the ground is so saturated that it bubbles up in the low lands, which is, apparently, our yard) or the lack of anywhere else for the water to go—I don't know; all I know is that if there is any more, I'm going to be underwater and without a useable septic field. Albeit totally selfish, our lot cannot take any more ground water or runoff.

For these reasons, **we strongly object to and oppose giving the Constantine's a waiver.** I am also curious as to why they do not have to apply for the "depth to seasonal high water table for septic waiver and the pinelands waiver. Kindly provide me a copy of the Executive Director's findings. Moreover, I urge you to visit the site prior to making your decision.

Respectfully submitted,

The block contains two handwritten signatures in cursive. The first signature is 'Lisa Zagler' and the second is 'Wilhelm P. Zagler'. Below the signatures is the printed name 'Lisa and Wilhelm Zagler'.

Lisa and Wilhelm Zagler

From: Elizabeth Young <elzbith@hotmail.com>
To: "Appinfo@njpines.state.nj.us" <appinfo@njpines.state.nj.us>
Date: 5/29/2015 9:57 AM
Subject: Pinelands Application # 2010-0150-001

5/29/2015 Dear Commisioner of NJ Pinelands: I just received a notice regarding above cited Pinelands Application # 2010-0150-001. I am the owner of 130 Tuckerton Road, Medford NJ 08055. Please be formally advised that I oppose any building taking place at 129 Tuckerton Road, Medford NJ due to numerous concerns. Also, be advised that I am an interested party and that any building in that site location will directly affect me and my property; therefore, I request that I be given an appointment to review your proposal and the Constantine's file. I also request a meeting with the Executive Director to discuss my concerns before a determination is made. Please contact me at your earliest convenience at this number: 856-359-6321. In addition, my email is elzbith@hotmail.com. You will also be receiving a letter to this effect. Sincerely, Elizabeth Young

From: Bob Walsh <ayscompany@yahoo.com>
To: "appinfo@njpines.state.nj.us" <appinfo@njpines.state.nj.us>
Date: 5/11/2015 9:41 PM
Subject: pinelands application #2010-0150-001

To whom it may concern,

My name is Robert Walsh, my wife Diana Rossi & I reside at 8 Arkansas Trail, Medford, N.J. 08055. Our property is located directly behind 129 Tuckerton Road, Medford, N.J. (Block 2101, Lot 6) We received a registered letter from the Pinelands commission stating the current owners of 129 Tuckerton Rd. are looking for a waiver from the "Wetlands Protection Standards " in order to build a single family home. My wife & I have lived here for over 10 years now, and for every one of those years the property in question as well as the back of our property that abuts 129 Tuckerton has flooded & has stayed saturated for the better part of each winter & spring The water table in this area is very high, the topography in this area is very flat, which makes drainage poor at best. By adding a footprint of another home along with the grading around the house will not only add to the flooding & poor drainage, but also add to the mosquito population. It is not an exaggeration to say that land is more than 50% saturated 8 to 9 months a year. I know The Pinelands Commission follows strict guidelines when it comes to what is wetlands. I am certain, that if you surveyed this property you would find that this land would fall within your guidelines. We are not trying to deny anyone from building their home, but why build it on wetlands. By building another home and cutting down forest it would also would create more saturated ground on our property also. Please provide a copy of said findings and conclusion to this address.

Thank you

Robert Walsh Diana Rossi 8 Arkansas Trail Medford, NJ 08055 609-792-8664

From: "Lisa Zagler" <zagtop@comcast.net>
To: <ApplInfo@njpinelands.state.nj.us>
Date: 5/10/2015 12:12 PM
Subject: Application No. 2010-0150.001

Dear Pinelands Commission:

My husband and I are writing to object to Dominic S. and Anna F. Constantine's application to obtain a Waiver of Strict Compliance for the property Block 2101, Lot 6, 129 Tuckerton Road.

I live at 125 Tuckerton Road, Block 2101, Lot 4. We have kept my yard as natural as possible, as we respect the beauty of the pinelands/wetlands of NJ. These lots, (5, 6, and 7) have been protected for more than 40 years. There is a plethora of flora and fauna. There are tree frogs, which, I don't have to remind you are an endangered species found only in the Pine Barrens/wetlands of NJ. There are also occasionally leopard frogs in the water part of the wet land. There are also a diverse selection of endangered ferns and indigenous plant life with occasional pitcher plants and Ladies' Slippers .

Moreover, there is no sewer on Tuckerton Road in this area, so they would need to put in a septic field. As one who already owns a property in this area, I can attest that a septic field does not work well in this area due to the high water table (you can dig with a stick and hit water).

I am attaching photos taken today of Block 2201, Lot 6, 129 Tuckerton Road. As you can see, there is a high water table as evidenced by the water—which you can verify its constant existence with the mosquito commission who come out every month during the summer to place the biscuits. There are high bush blueberry trees, swamp azalea, cinnamon fern—pretty much every plant on the Pinelandsalliance.org site. Again, refer to the attached photos.

Additionally, although I'm not sure if related, additional building in this area will cause MORE of this ground water to feed into my yard (I seem to be the lowest point for both ground water and above-ground water)! I already have a moat around my $\frac{3}{4}$ of my house and my yard that abuts Lot 5 is always underwater. Since you gave the approval for Arkansas trail to be built, the amount of water in the wetlands has increased exponentially, most likely due to groundwater runoff (and then the ground is so saturated that it bubbles up in the low lands, which is, apparently, our yard). Albeit totally selfish, our lot cannot take any more ground water runoff.

For these reasons, we strongly object to and oppose giving the Constantine's

a waiver. I am also curious as to why they do not have to apply for the "depth to seasonal high water table for septic waiver and the pinelands waiver. Kindly provide me a copy of the Executive Director's findings. Moreover, I urge you to visit the site prior to making your decision.

Respectfully submitted,

Lisa and Wilhelm Zagler

PS. It seems I cannot attach photos because the file is "too big" to be received by you. I sent one with 4 photos (I have, like, 29 photos of the property) and I am sending this w/o photos so that I can at least get my email through.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #950
(Renewal)

June 3, 2015

Samuel J. & Dolores M. Henry
28 Dogwood West
Tabernacle, NJ 08088

Re: Application # 1994-0303.001
Block 802, Lot 3
Ongs Hat Road
Southampton Township

FINDINGS OF FACT

The applicants own the above referenced 10.93 acre lot in Southampton Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

On March 4, 2009, the Commission issued Amended LOI #950 allocating 0.25 PDCs to the lot. That Amended LOI #950 expired on March 4, 2011. The applicants have requested a new LOI for the lot. This renewal of LOI #950 replaces Amended LOI #950 issued on March 4, 2009..

The lot consists of 0.72 acres of uplands and 10.21 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake field mapping to further refine the acreage of uplands and wetlands on the lot. The lot is vacant. There are no easements limiting the use of this lot to non-residential uses. The lot was not in common ownership with any other contiguous lot on or after February 7, 1979. Dolores M. Henry's mother acquired the lot prior to February 7, 1979. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 0.72 acres of the lot which are uplands, the applicants would be entitled to 0.04 PDCs. For the 10.21 acres of wetlands, the applicants would be entitled to 0.05 PDCs. There would be 0.09 PDCs allocated to this lot.

However, the CMP (N.J.A.C. 7:50-5.43(b)4) provides that the owners of any parcel of land containing at least 0.1 acres in the Agricultural Production Area are entitled to 0.25 PDCs provided that the parcel is vacant, the parcel has not been in common ownership with any contiguous land on or after February 7, 1979 and the parcel has been in continuous ownership of the owner of the parcel as of February 7, 1979 or the parcel has not been sold or transferred except to a member of the February 7, 1979 owner's immediate family. Dolores M. Henry's mother acquired the lot prior to February 7, 1979. Therefore, the applicants meet this requirement.

The CMP also provides that the total allocations made pursuant to N.J.A.C. 7:50-5.43(b)4 or 5 for any one owner shall not exceed 0.50 PDCs (N.J.A.C. 7:50-5.43(b)6). At such time as the application of N.J.A.C. 7:50-5.43(b)4 or 5 would exceed a total allocation of 0.50 PDCs to an owner, all remaining lands of that owner in excess of that needed to yield the 0.50 PDC allocation shall be entitled to a fractional allocation of PDCs at the same ratio established in N.J.A.C. 7:50-5.43(b)1. The owner has not previously been allocated PDCs based upon N.J.A.C. 7:50-5.43(b)4 or 5.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.25 PDCs allocated to 10.93 acre Block 802, Lot 3.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and

4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c:
- Secretary, Southampton Township Planning Board (via email)
 - Southampton Township Construction Code Official (via email)
 - Southampton Township Environmental Commission (via email)
 - Secretary, Burlington County Planning Board (via email)
 - Susan R. Grogan, Executive Director, PDC Bank (via email)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2135

June 4, 2015

Noble McNaughton
1130 Old Indian Mills Road
Tabernacle, NJ 08088

Re: Application # 1981-1587.002
Block 1101, Lot 11.02
Indian Mills Road
Tabernacle Township

FINDINGS OF FACT

The applicant owns the above referenced 18.41 acre lot in Tabernacle Township. This acreage is based on the recorded property deed. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

There is an existing 20 foot wide access easement located along the northerly lot line. Based on the description of the easement recorded with the Burlington County Clerk, the concerned easement comprises approximately 0.31 acres. The easement limits the use of the land subject of the easement to access to other lands and for construction and maintenance of utility lines. PDCs are not allocated to the 0.31 acres of land subject to an easement limiting the use of the land to nonresidential uses.

The remaining 18.1 acres of the lot consists entirely of uplands. A single family dwelling exists on the lot. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Comprehensive Management Plan (CMP).

An application for the development of a single family dwelling on the lot was previously approved pursuant to the provisions of the CMP (Application #1981-1587.001). The existing single family dwelling on the lot was developed as a result of that application.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

There would be 0 PDCs allocated to the 0.31 acres of the lot subject to the easement.

For the remaining 18.1 acres of uplands, the applicant would be entitled to 0.93 PDCs. Not the considering the existing single family dwelling, there would be 0.93 PDCs allocated to this lot.

N.J.A.C. 7:50 5.43(b)3ii requires that the PDC entitlement for the lot be reduced by 0.25 PDCs for each existing dwelling unit on the lot. Based upon the existing dwelling, there would be 0.68 PDCs allocated to the lot.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.75 PDCs allocated to the 18.1 acre portion of Block 1101, Lot 11.02.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Tabernacle Township Planning Board (via email)
Tabernacle Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Susan R. Grogan, Executive Director, PDC Bank (via email)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2136

June 19, 2015

Estate of Stanley J. Rowe
51 Old Schoolhouse Road
Shamong, NJ 08088

Re: Application # 1981-2294.003
Block 17, Lot 12.01
Stokes Road
Shamong Township

FINDINGS OF FACT

The applicant owns the above referenced 34.84 acre lot in Shamong Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this lot.

The lot consists of 33.11 acres of uplands and 0.92 acres of wetland soils in active agriculture. The remaining 0.81 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake field mapping to further refine the acreage of uplands and wetlands on the lot. The active field agriculture in wetland soils was established prior to February 7, 1979. The lot is vacant. There are no easements limiting the use of this lot to nonresidential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

An application for a two lot subdivision and the development of one single family dwelling of original Block 17, Lot 12 was previously approved pursuant to the provisions of the CMP (App. No. 1981-2294.001). Block 17, Lot 12.01 (34.84 acres) and Lots 12.02 (3.22 acres) were created as a result of that subdivision. The proposed dwelling was constructed on Lot 12.02.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.



The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 33.11 acres of the lot which are uplands, the applicant would be entitled to 1.7 PDCs. For the 0.92 acres of wetland soils in active field agriculture, the applicant would be entitled to 0.05 PDCs. For the 0.81 acres of other wetlands, the applicant would be entitled to 0 PDCs.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

There are 1.75 PDCs allocated to Block 17, Lot 12.01.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Susan R. Grogan, Executive Director, PDC Bank (via email)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2137

June 19, 2015

Brian Walter Ingram
19 Poper Street
Manawakin, NJ 08050

Re: Application # 1988-0518.010
Block 842, Lots 54.02 & 55
Rake Pond Road
Pemberton Township

FINDINGS OF FACT

The applicant owns the above referenced 92.82 acre parcel in Pemberton Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The entire 92.82 acre parcel consists of wetlands as defined by N.J.A.C. 7:50-6.5(a). Information available to our staff indicates that an agricultural use previously existed on the parcel, but that no agricultural use currently exists on the parcel. The applicants reserve the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the lot. The parcel is vacant. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50 5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50 5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 92.82 acres of wetlands, the applicant would be entitled to 0.48 PDCs.



PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 0.5 PDCs allocated to Block 842, Lots 54.02 and 55.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Pemberton Township Planning Board (via email)
 Pemberton Township Construction Code Official (via email)
 Pemberton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Susan R. Grogan, Executive Director, PDC Bank (via email)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION # 2132

June 8, 2015

Evergreen Environmental, LLC
425 Darby Paoli Road
Wayne, PA 19087

Re: Application # 1990-0285.006
Block 2, Lots 16, 18 & 23
Bass River Township

FINDINGS OF FACT

In accordance with the provisions of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.72(a)2), this application is for a Pinelands Commission Letter of Interpretation (LOI) regarding the extent of wetlands on the above referenced 108.2 acre parcel. The parcel is located in the Pinelands Preservation Area District.

An LOI provides a method by which any person may secure a clarification or interpretation of any provision of the CMP.

The parcel has been inspected by two members of the Commission staff. In addition, the appropriate resource capability maps and data available to the Commission staff have been reviewed.

The parcel contains an existing single family dwelling. There are uplands and wetlands located on the parcel. The wetlands consist of a hardwood swamp and coastal wetlands.

The applicant has provided the requisite public notice. No public comments regarding this application have been received by the Pinelands Commission.

CONCLUSION

The coastal wetlands and hardwood swamp are wetlands (N.J.A.C. 7:50-6.4(a) & 6.5(a)2). The extent of wetlands on the above referenced parcel are accurately delineated on a plan, prepared by AKRF Inc., and dated April 7, 2015.

This LOI makes no finding of fact or conclusion regarding the presence or absence of wetlands that may be located within 300 feet of the parcel and the required buffers to any wetlands.



This LOI does not authorize the commencement of any development on this parcel (N.J.A.C. 7:50-4.76(a)). The applicant must still complete an application for any proposed development as set forth in Part III of Subchapter 4 of the CMP. Any proposed development must meet all requirements of Subchapters 5 and 6 of the CMP.

This LOI is valid for a period of five years from the date of this letter unless final approval pursuant to the CMP has been granted within that five year period and development is thereafter diligently pursued to completion or the use is legally commenced within that period.

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Bass River Township Planning Board (via email)
 Bass River Township Construction Code Official (via email)
 Bass River Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Shawn L. Shotzbeerger (via email)
 Anika Andrews-Spilman (via email)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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(609) 894-7300
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

June 12, 2015

Jack O'Connor
Pine Barrens Adventure Camp, LLC
321 Osborn Avenue
Pt. Pleasant, NJ 08742

Re: Application # 1982-3054.059
Pine Barrens Adventure Camp Riding School & Eco Tour
June 13 & 14, 2015
Bass River, Little Egg Harbor, Mullica, Stafford & Washington Townships

Dear Mr. O'Connor:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P
Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Mullica Township Clerk (via email)
Bass River Township Clerk (via email)
Washington Township Clerk (via email)
Little Egg Harbor Township Clerk (via email)
Stafford Township Clerk (via email)
Superintendent, Bass River State Forest





Chris Christie
Governor

Kim Guadagno
Lt. Governor

New Jersey Pinelands Commission
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New Lisbon, NJ 08064
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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1263

Application #: 1982-3054.059

Applicant: Pine Barrens Adventure Camp, LLC

Event Name: Pine Barrens Adventure Camp Riding School & Eco Tour

Event Date: June 13 & 14, 2015

Municipalities: Bass River, Little Egg Harbor, Mullica, Stafford & Washington Townships

Management Area: Agricultural Production Area, Forest Area, Pinelands Village, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Bass River, Penn & Wharton State Forests

Approved Route Map

Received in electronic format on June 11, 2015

for **Charles M. Horner, P.P.**
Director of Regulatory Programs

June 12, 2015

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ One route beginning and ending at 3610 Nesco Road in the Village of Nesco
- ♦ 55 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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Lt. Governor

General Information: Info@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

List of Pending Public Development and Waiver of Strict Compliance Applications Accepting Public Comment at the July 10, 2015 Commission Meeting

Public Development Applications

Application No. 1983-9616.003 – Pemberton Township

Received on: May 27, 2015

Completed on: June 9, 2015

Project: Demolition of a commercial building, 50 years older or older

Municipality: Pemberton Township

Block 553, Lot 37 (application may include additional lots)

Application No. 1984-0606.004 – Pemberton Township

Received on: May 27, 2015

Completed on: June 10, 2015

Project: Demolition of a single family dwelling, 50 years old or older

Municipality: Pemberton Township

Block 553, Lot 28 (application may include additional lots)

Application No. 1984-0606.005 – Pemberton Township

Received on: May 27, 2015

Completed on: June 10, 2015

Project: Demolition of a commercial building, 50 years old or older

Municipality: Pemberton Township

Block 553, Lot 51 (application may include additional lots)

Application No. 1991-1108.010 – Pemberton Township Board of Education

Received on: April 30, 2015

Completed on: June 16, 2015

Project: Construction of a 145 square foot building addition at the Harker-Wylie school

Municipality: Pemberton Township

Block 773, Lot 3 (application may include additional lots)

Application No. 1991-1149.063 – Dix Solar/Joint Base McGuire-Dix-Lakehurst

Received on: November 3, 2014

Completed on: June 30, 2015

Project: Construction of a 50 acre solar facility on a closed landfill

Municipality: Pemberton Township

Block 942, Lot 1 (application may include additional lots)

Waiver of Strict Compliance Applications*None*



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: June 30, 2015

Subject: No Substantial Issue Findings

During the past month, we reviewed two ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

Buena Vista Township Ordinance 4-2015 - repeals Buena Vista Township Ordinance 5-2013. Ordinance 5-2013 had amended the standards set forth in Section 248-13C of the Township's Code governing the use of noncontiguous lands to meet water quality requirements. These standards include location of the noncontiguous lands within the Richland Village Redevelopment Area and within the same sub-watershed as the parcel proposed for development. Ordinance 5-2013 amended Section 248-13C by deleting the requirement that the noncontiguous lands be owned by the municipality. As a result, all vacant lands within the Richland Village Redevelopment Area would have been eligible to be used for purposes of meeting water quality requirements. By repealing Ordinance 5-2013, Ordinance 4-2015 ensures that the requirement for municipal ownership remains. The standards for use of noncontiguous lands to meet water quality requirements therefore remain unchanged from those originally certified by the Pinelands Commission in 2008.

Manchester Township Ordinance 15-004 - amends Chapter 245 (Land Use and Development) of the Township's Code by adopting revised standards for the collection, maintenance and expenditure of development fees for affordable housing. These fee requirements generally apply to new residential development and nonresidential development throughout the Township, including that portion located in the Pinelands Area.



TITLE: To Revise the Pinelands Commission's Personnel Policies

WHEREAS, in accordance with Resolution No. PC4-15-11, dated May 8, 2015, the Commission authorized the Executive Director to enter into Collective Bargaining Agreements (CBAs) with the Communications Workers of America, Local 1040, for its three employee bargaining units and to Revise the FY 2015 Operating Budget; and

WHEREAS, the Executive Director has recommended that the Pinelands Commission Personnel Policies be revised to ensure clarity and consistency with the terms of the CBA that apply to all Commission staff members (both aligned and non-aligned); as well as to implement general updates; and

WHEREAS, the Executive Director has specifically recommended revisions to the following provisions within the Pinelands Commission Personnel Policies: 1. Introduction, 2. Administration of the Personnel Policies, 3. Attendance and Punctuality, 4. Business Use of Personal Vehicles, 5. Confidentiality, 6. Education and Training, 7. Employee Advisory Service, 8. Employment Actions, 9. Employment Classifications, 10. Exit Interviews, 11. Holidays, 12. Inclement Weather or Adverse Working Conditions, 13. Insubordination, 14. Insurance Benefits, 15. Leave, 16. Lyme Disease, 17. Orientation, 18. Outside Activities and Employment, 19. Overtime, 20. Participation in Professional Associations and Attainment of Professional Licenses, 21. Performance Evaluations, 22. Personnel Records, 23. Recruitment, 24. Resignation, 25. Retirement Plan, and 26. Salary Administration; and

WHEREAS, copies of the revisions to the Commission's Personnel Policies, dated June 30, 2015, were provided to the Personnel and Budget Committee for review, and those Committee members present at the Committee's June 30, 2015 meeting recommended Commission approval of the Personnel Policies dated June 30, 2015; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the attached revisions to the Pinelands Commission Personnel Policies, dated 6/30/15, be adopted.

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Earlen					Prickett				
Avery					Galletta					Quinn				
Barr					Jannarone					Rohan Green				
Brown					Lloyd					Witt				
DiBello					McGlinchey					Lohbauer				

Adopted at a meeting of the Pinelands Commission Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman

PINELANDS COMMISSION PERSONNEL POLICY REVISIONS

June 30, 2015

Deletions are noted by a strike through. Additions are noted in italics.

INTRODUCTION

The purpose of this manual is to describe the general policies, procedures, and benefits of employment with the Pinelands Commission.

Every employee should become familiar with the manual's contents. Although it includes information about employee benefits provided through arrangement with a third party (e.g. health insurance), it should not be considered as a substitute for the specific requirements of those programs, contracts and insurance policies. Any questions about the manual should be directed to supervisors and ~~Business Service~~ *Human Resources*.

ADMINISTRATION OF THE PERSONNEL POLICIES

As the Pinelands Commission's chief operating officer, the Executive Director is responsible for administering these policies. Of course, administration of certain of the policies and procedures expressly involve the Commission or its Personnel and Budget Committee. In addition, supervisory staff and ~~Business Services~~ *Human Resources* play a major role in effectively carrying out these policies, procedures, and programs.

ATTENDANCE AND PUNCTUALITY

Unnecessary absenteeism and lateness are not only disruptive to the Commission's business, but they also place an unfair burden on other employees.

Consequently, all employees are expected to report to work on time on a regular basis unless they are scheduled to be on leave or away from the office on business. If an emergency or other unexpected situation arises, employees should advise their supervisors at the earliest possible time or, in their absence, the receptionist. Employees are responsible for following the proper procedure when using sick leave. Detailed information is contained in the SICK LEAVE section.

Failure to do so will be considered an unexcused absence and the employee is not entitled to be compensated for the time out of work. Other unexcused absences include the use of leave above that to which the employee is entitled and the use of leave without proper cause and authorization. Unless extenuating circumstances exist, an unexcused absence shall be a cause for disciplinary action. *Absence without notice and approval for five (5) or more consecutive work days or failure to return from any leave of absence for five (5) or more consecutive work days may be recorded as termination of employment absent any extenuating circumstances.*

BUSINESS USE OF PERSONAL VEHICLES

The Commission provides its staff with several vehicles for official business. *Only Commission staff, Commission approved volunteers and subcontractors, or government officials are allowed in Commission vehicles.* In the event no Commission vehicles are available for use, an employee may need to use his or her personal vehicle for business purposes. The employee must possess a valid driver's license and the vehicle must be insured per New Jersey law.

CONFIDENTIALITY

EMPLOYEE ACCESS

In order to safeguard matters essential to the Commission, employees do not have free and unlimited access to all Commission offices or records.

Access to the Business Services, Management Information Systems, and Geographic Information Systems offices is restricted unless the employee is accompanied by a staff member of the respective office or Executive office.

In addition to personnel records, certain other records pertaining to contracts, finances, union matters and litigation are restricted. Any questions concerning access to these and other records should be referred to *Human Resources* ~~Business Services~~.

EDUCATION AND TRAINING

DEGREE ASSISTANCE PROGRAM

Rather than attending individual courses of study, an employee may wish to pursue a degree from an accredited educational institution. Degrees may range from *Associate high school* up to and including doctoral degrees.

When a degree program benefits an employee's work with the Commission, it is in the Commission's interest to assist that employee. To avoid uncertainty as to the level of assistance an employee may receive for a number of courses to be taken over a multi-year period and to ensure that the Commission receives work related benefits commensurate with its financial investment, the Executive Director is authorized to enter into long term financial assistance agreements with employees who intend to use the assistance to obtain a degree.

The degree assistance program shall, at a minimum, provide for the following:

Eligible Employees

All full time, continuing employees and all part time continuing employees who are scheduled to work 25 ~~20~~ or more hours per week are eligible to apply for degree assistance.

Eligible Costs

Eligible costs shall consist of tuition, books and other relevant fees at an accredited educational institution. Travel and other incidental expenses are not eligible for assistance.

Percentage of Assistance

If a degree is directly related to an employee's current position and duties, the percentage of assistance shall equal fifty percent of eligible costs. If a degree is not directly related to an employee's current position and duties but (1) will materially enhance the employee's ability to perform his or her current job or (2) where the Executive Director determines it is otherwise of material benefit to the Commission in fulfilling its mission, the percentage of assistance shall equal thirty three percent of eligible costs.

Amount of Assistance

An employee may elect to enroll in an accredited institution of his or her choice. However, in no case can the amount of assistance being provided be more than would be the case if the employee enrolled in a comparable or similar field of study at Rutgers, The State University of New Jersey.

When an employee chooses to enroll in a higher cost program, the amount of assistance shall be reduced so that the total assistance does not exceed that which he or she would receive if attending Rutgers, The State University of New Jersey.

Absent With Pay Leave

Absent with pay leave may be authorized for an employee to attend classes if it does not ~~materially~~ disrupt Commission business activities. In such cases, the full value of the absent with pay leave, calculated on the basis of the employee's direct salary, shall be deducted from the amount of direct financial assistance to which the employee is entitled for otherwise eligible costs.

Agreement and Costs

A formal agreement between the employee and the Commission shall be executed. Estimates of the total eligible costs and the amount of assistance will be used to determine the maximum amount of assistance specified in the education agreement when first executed. This establishes the maximum contribution of the Commission. However, payments will be based on actual costs up to the maximum ~~established~~ contribution.

Although an employee may request that an executed agreement be revised to reflect higher than anticipated costs, there is no guarantee that such a revision shall be approved.

Term of Agreement

Each agreement shall have a schedule and an expiration date which shall reflect the period of time necessary for the employee to receive the degree. Reasonable extensions may be granted due to unforeseen circumstances; however, in no case shall an agreement have a duration in excess of six years.

Payment

Employees will be eligible to receive payments from the Commission at the time of enrollment for individual courses. These individual payments shall be based upon the percentage of assistance being provided for the entire degree program. If an individual course is not successfully completed, the payment for that course must be immediately refunded to the Commission; however, the assistance will remain available for use in the degree assistance program.

Successful completion means a "B" or better for a graduate level course and a "C" or better grade for an undergraduate or other course. If a pass/fail structure exists, the employee must pass.

Termination of the Program

A degree program may be terminated: 1) by the employee; upon the mutual consent of the 2) employee and the Executive Director, or 3) by the Executive Director *alone at his/her discretion*, if it becomes apparent that the employee will not be able to satisfy his/her obligation to obtain the degree within the term of the agreement; or by the Executive Director *alone*, when the employee's employment with the Commission is to be ended.

If a degree program is terminated prior to the completion of the required degree, ~~Unless~~ an employee is *being* released because of a reduction in force, the employee shall refund to the Commission the full amount of assistance he or she has received. This may be accomplished through a lump sum refund or through a series of payments or salary deductions which the Executive Director determines are reasonable after consultation with the employee.

When a program is terminated because the employee is released through a reduction in force, no refund for successfully completed courses will be required.

Selection and Approval

Employees may apply through their supervisors for assistance at any time. When such a request is received and if funding permits, the Executive Director shall notify all employees that he/she shall be considering requests for educational degree assistance and establish a date by which other employees may apply. The Executive Director shall determine which requests shall be financed, taking into account the amount of funding available, the amount of assistance requested, and the extent to which the degrees relate to the employees' jobs.

In order for the Executive Director to approve a degree assistance request, sufficient funds in the Commission's Reserve for Degree Assistance must be available to finance the entire cost of the Commission's contribution over the life of the agreement. When the agreement is executed, funds shall then be reserved in the Reserve for Education Agreements to finance the agreement for its full duration. In the event that the total payments provided in an agreement require Commission approval pursuant to the By Laws, the Executive Director's approval shall be subject to approval by the Commission before an agreement is executed.

Employment After the Degree is Earned

An employee who remains in the Commission's employ for ~~three~~ *five* years after the degree has been earned shall not have an obligation to reimburse the Commission for the assistance it provided. Should an employee leave the Commission's employ within ~~three~~ *five* years, he/she shall reimburse to the Commission all or a portion of the assistance in accordance with the following schedule. This shall apply to all departing employees except those who are released because of a reduction in force.

<u>Departure After Degree is Earned</u>	<u>Percentage of Assistance To Be Reimbursed</u>
0 to 6 months 1 year	100%
More than 1 year 6 months but less than 1 2 years	80%
More than 2 years 1 year but less than 1 3 years	60%
More than 1 3 years but less than 2 4 years	40%
More than 2 4 years but less than 3 5 years	20%

If a Degree has not been earned and the employee has terminated his/her employment, he/she will reimburse the Commission 100% of the assistance it provided. See Termination of the Program. Refunds may be accomplished through a lump sum payment to the Commission or through deductions from remaining paychecks. In the event neither of these is possible, the Executive Director may accept a series of payments after employment is ended.

EMPLOYEE ADVISORY SERVICE

The Employee Advisory Service is a confidential counseling program designed to help employees manage work and life problems. Just as health insurance is designed to address an employee's physical well being, the Employee Advisory Service is designed to address an employee's emotional and mental well being, as well as to help manage work/life problems. The Employee Advisory Service provides professional counseling services to ensure that employees get the help, guidance and support they need during difficult times.

The Commission participates in the Employee Advisory Service. There is no fee to the employee. Family members may also be eligible for these services.

Information on this confidential counseling program will be distributed by ~~Business Services~~ *Human Resources* during the orientation program for new employees. Additional information can be obtained directly from the Employee Advisory Service by calling 1-866-EAS-9133.

EMPLOYMENT ACTIONS

PROMOTION

Generally, an employee may be eligible for promotion in one of two instances. Whenever possible, new and vacant positions will be filled from within the Commission by promoting qualified employees. Depending upon the number of likely candidates from within the Commission, the Executive Director may limit recruitment to current employees or broaden recruitment outside the Commission.

The Executive Director is also authorized to promote an employee from one level to a higher level within the same type of position. These position levels involve varying levels of work complexity, duties, responsibilities and supervision. These promotions may be made without recruitment, but must be based upon employee performance, and ability to perform in the higher level position.

Except for entry level positions, in considering employees for promotion to job classification having a higher rate of pay, the Commission shall give due consideration to experience, ability, aptitude, performance, attendance, physical condition (to the extent permitted under federal and state law governing the handicapped/persons with disabilities). When all of the aforementioned items are equal, seniority shall be the deciding factor.

Employees who are promoted or transferred to a new job title shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each. (see section on PROVISIONAL EMPLOYEES).

TRANSFER

A permanent transfer of an employee, as opposed to a temporary reassignment, may be made to an authorized position if the need arises as long as the employee is qualified for the position, his or her current salary is within the range of the position, and the employee's actual salary is not affected. Seniority and the efficiency of the operation will be considered when conducting lateral transfers. The Commission will provide two weeks written notice of any transfer of an employee except in an emergent situation.

Although every effort will be made not to transfer an employee to a position in which he or she has no interest, mandatory transfers may occur. If an employee refuses such a transfer, his or her employment may be subject to termination.

Any transfer which involves an increase or decrease in salary is considered to be a promotion or demotion and will be treated accordingly. *Employees who are promoted or transferred to a new job title shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each. (see section on PROVISIONAL EMPLOYEES).*

TERMINATION OF EMPLOYMENT

An employee's employment may be terminated if a new employee does not successfully complete the six month provisional period, if performance is unacceptable and transfer or demotion is not practical, if disciplinary measures have failed to correct inappropriate conduct, if gross misconduct occurs, if a serious infraction of Commission policy occurs, or due to a reduction in force.

Any employee who is convicted of a crime which involves dishonesty, which bears upon his or her duties and responsibilities with the Commission, or which involves an offense of the first, second or third degree shall be immediately dismissed under the same conditions as if gross misconduct occurred.

In all cases where termination of employment is contemplated, it is the Commission's policy to afford an employee with as much advance notice as possible (two weeks at a minimum, four weeks preferable) or, in the alternative, two to four weeks severance pay. The amount of severance pay will be a function of the reason for termination and the length of the employee's service; however, gross misconduct or a serious infraction of Commission policies shall be cause for immediate dismissal without severance pay or earned vacation leave pay.

Employees whose employment is terminated may be entitled to convert certain insurance benefits from the Commission's group policy to an individual policy and receive payment for certain unused leave and compensatory time. Employees should consult with the ~~Business Services~~ *Human Resources* office for details.

Terminations of employment must be approved by the Executive Director, except that the Commission must approve the termination of the Executive Director. The Executive Director will inform the Commission of a termination of employment which involves an individual in a Program Director position.

EMPLOYMENT CLASSIFICATIONS

All employees of the Commission are classified according to the scheduled duration of their employment and whether their positions are full time or part time. These classifications are important in determining the various benefits employees will receive.

Full time employees fill either a continuing or seasonal position. **Continuing positions** are those which don't have a limited duration or have a specified duration of more than six continuous months. Most of these are salaried positions; however, specified positions scheduled to last for a fixed duration may be compensated on an hourly basis. **Seasonal positions** are those which are scheduled for a fixed period of time of six months or less.

Part time employees also fill continuing or seasonal positions and are always compensated on an hourly basis. **Continuing positions** are further classified according to the number of hours scheduled to be worked each week: 25 ~~20~~ or more, or less than 25 ~~20~~. Part time employees who occupy positions which are scheduled to end in six months or less are considered **seasonal**, no matter how many hours they're scheduled to work each week.

Employees should also be aware that their eligibility to receive compensation or compensatory time for overtime worked is based on whether they occupy **exempt** or **non-exempt** positions. More on this is included in the **OVERTIME** Section.

Every employee should know how his or her position is classified. Additionally, each employee should be cognizant whether his/her position **is or is not** covered by a **union** agreement. If you have any questions, *Human Resources* ~~Business Services~~ will be glad to help.

EXIT INTERVIEWS

Every employee who leaves the employment of the Commission must arrange for exit interviews with his or her supervisor and ~~Business Services~~ *Human Resources* on or before the last day of work.

These interviews are important both as a means to promote an orderly and smooth transition of work responsibilities and to review the details of the termination as they relate to pay adjustments, benefits, and the like.

At that time, every employee will be expected to account for and return all Commission property, including keys, identification cards, building access cards, reference books, files and personnel policy manuals, with which he or she has been entrusted. Failure to do so will result in an obligation to reimburse the Commission for the property and for any associated expenses, such as the need to replace locks.

HOLIDAYS

The Commission joins in the observance of legal holidays observed by the State and other holidays proclaimed by the Governor. The Commission's offices will, therefore, be closed during the following holidays:

- | | |
|--|--------------------|
| o New Year's Day | o Labor Day |
| o Martin Luther King, Jr.'s Birthday | o Columbus Day |
| o Lincoln's Birthday¹ | o Election Day |
| o Washington's Birthday¹ | o Veteran's Day |
| o Presidents' Day | o Thanksgiving Day |
| o Good Friday | o Christmas Day |
| o Memorial Day | |
| o Independence Day | |

¹~~The NJ Legislature passed legislation changing Lincoln's Birthday and Washington's Birthday to one presidential holiday. The effective date of the combined presidential holiday will coincide with the State's effective date. Until the effective date, the Commission's offices will be closed on both holidays. Once effective, this policy will reflect one Presidents Day holiday and this footnote will be removed.~~

²~~Once effective, the reference to Lincoln's Birthday 2010 as a furlough day will be deleted and this footnote will be removed.~~

COMPENSATION FOR HOLIDAYS

All full time, continuing employees will receive seven (7) hours pay for holidays, ~~except for Lincoln's Birthday 2010, which is a furlough day²~~, provided that they are in full pay or furlough status on the workdays immediately preceding and following the holiday.

All part time, continuing employees who are scheduled to work ~~20~~ 25 or more hours per week will receive pay for holidays on a proportionate basis. Payment for these holidays will be made in the employee's check for that biweekly pay period provided that the employee is in a pay status on his or her last scheduled workday(s) immediately preceding and following the holiday.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than ~~20~~ 25 hours per week do not receive holiday pay.

Any employee who is on a leave of absence without pay shall be ineligible for paid holidays which fall during the employee's leave of absence.

INCLEMENT WEATHER OR ADVERSE WORKING CONDITIONS

The Executive Director is authorized to close the office due to inclement weather or adverse working conditions. Employees are expected to call the Commission's main telephone number and listen for a recording stating that the office is closing or if a delayed opening is occurring.

The following policies apply to employees who are not classified as essential employees as described in the **OVERTIME** policy:

- When a delay in opening the office occurs, those employees who report to the office on that day will be granted absent with pay leave;
- Employees who are at the office when an early closing of the office occurs will be granted absent with pay leave; and
- When the office is closed for an entire day, all employees who are not working at another work site that is unaffected by the condition will be granted absent with pay leave provided that the absent with pay leave shall be reduced for any other previously scheduled leave.
- *When an employee is unable to get to his/her assigned work location because of weather conditions, his/her absence may be compensated if he/she has sufficient compensatory time balance or, if none is available, a charge may be made against vacation balance or administrative leave balance, if requested by the employee. Such excused absence will alternatively be without pay. Unless the Executive Director or his/her designee determines otherwise, the Commission's offices will be closed for inclement weather (or on a delayed opening) only if, and to the extent that the State's offices are closed for inclement weather (or on a delayed opening).*

INSUBORDINATION

In order to ensure the safe, efficient, and effective conduct of Commission business, employees are expected to follow and abide by superiors' instructions and orders. This is, of course, not intended to limit an employee's right to question an order which is unlawful or which violates Commission policies.

Insubordination can include behavior such as: ~~W~~hen an employee challenges a superiors' authority, is disrespectful, defiant, ~~or~~ uses obscene or objectionable language, or behaves in a threatening manner, the supervisor must take immediate action. If it's an emergent situation, the supervisor should immediately request another supervisor to resolve the matter. In all cases, the supervisor should submit a written report, through supervisory levels, with a recommendation as to the appropriate disciplinary measure.

INSURANCE BENEFITS

The Commission affords most of its employees with a number of insurance benefits. All of these are provided under contract or through a third party and can not be fully described here. The following is intended to highlight the benefits but should not be construed as a

substitute for the policies and requirements of the specific insurance plan or program. Employees are encouraged to obtain additional information about these benefits from the *Human Resources Business Services* office and to consult with the office as the need arises.

HEALTH INSURANCE

The Commission offers a medical insurance plan including prescription drug coverage to its full time, continuing employees and part time, continuing employees who are scheduled to work ~~20~~ 25 or more hours per week, along with their spouses and eligible dependents, through the New Jersey State Health Benefits Program. All employees participating in health insurance will contribute *to their health insurance benefits in accordance with C.78 P.L. 2011. 4.5% of their base salary for the medical plan.*

The benefits described in the Personnel Policies are intended to summarize benefits provided to eligible employees. If there is a conflict between what is described in the Commission's Personnel Policies and the official Plan documents, the official Plan documents will control.

If an employee elects to waive health insurance, the employee shall receive a \$1,000 annual payment payable on the anniversary date that health insurance ended. Should employment end prior to the anniversary date, the final paycheck will include a pro-rated payment.

Open Enrollment Period

At least once a year, employees will be afforded an opportunity to change their health benefits plans. Employees who previously declined to enroll in a plan will also be afforded an opportunity to join at this time. *Human Resources Business Services* will notify you when these open enrollment periods occur.

DENTAL INSURANCE

The Commission offers dental insurance to its full time, continuing employees and part time, continuing employees who are scheduled to work ~~20~~ 25 or more hours per week, along with their spouses and eligible dependents. These employees are responsible for 50% of the premium, which will be paid in advance through payroll deduction.

Additionally, the Commission offers dental insurance to its part time, continuing employees who are scheduled to work less than ~~20~~ 25 hours per week, along with their spouses and eligible dependents. These employees are responsible for 100% of the premium, which will be paid in advance through payroll deduction. New employees are eligible to enroll the first of the month following sixty days of employment.

Open Enrollment Period

At least once a year, enrolled employees will be afforded an opportunity to make changes in dental benefits. *Human Resources Business Services* will notify you when these open

enrollment periods occur. Employees who decline enrollment when first eligible, may have a waiting period imposed before enrollment.

WORKERS' COMPENSATION

The Commission provides a workers' compensation policy for all of its employees. This policy provides a wide range of salary, death, medical, pension, and other benefits for employees with a job related illness or injury. *Human Resources and Business Services* must be immediately notified of any job related illness or injury (whether or not it is slight or severe) in order to provide specific details to the affected employee and the workers compensation insurance carrier.

Employees may not return to work without a certification from the attending physician that he/she is capable of returning to work. The certification must note any work limitations.

LEAVE

The Commission provides to most of its employees yearly allowances for paid vacation leave, sick leave, and administrative leave. *Employees are responsible for noting their absences on the GroupWise calendar.* The following policies describe how these allowances should be used by employees.

VACATION LEAVE

The Commission provides paid vacation leave to most of its employees in recognition of services performed and to provide them with periods for rest and recreation.

Earning Vacation Leave

All full time, continuing employees earn vacation leave in 30 minute increments according to the following schedule. Part time, continuing employees who are scheduled to work 20 25 or more hours per week earn vacation leave on a proportionate basis.

<u>Years of Commission Service</u>	<u>Number of Vacations Days Each Year</u>
Up to and including 0 through 5 years	12 days a year (84 hours)
Over 5 through 12 6 through 12 years	15 days a year (105 hours)
Over 12 through 20 13 through 20 years	20 days a year (140 hours)
Over 20 21 plus years	25 days a year (175 hours)

In an effort to attract the most qualified candidate during recruitment or to acknowledge past governmental experience, the Executive Director, with the concurrence of the Personnel and Budget Committee Chairperson, can approve a higher level of vacation leave earning.

Employees do not earn vacation leave for any overtime or while on a leave without pay status.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than 20-25 hours per week are not eligible for paid vacation leave.

Vacation leave will be advanced at the beginning of each calendar year or on a proportionate basis when an employee begins his or her employment. Until employees earn that leave, it will be considered to be advanced and unearned. Moreover, new employees will not vest in any earned vacation leave until after six consecutive months of employment.

Vacation leave earned but not used may be accumulated provided that no more than 30 days are carried over from one year to the next. In exceptional circumstances where business obligations prevent an employee from taking a vacation, the Executive Director may approve an additional carry over. Any excess leave which is approved to be carried over must be used within three months.

SICK LEAVE

Use of Sick Leave

Whenever an employee uses sick leave, he or she is expected to inform his or her supervisors at the earliest possible time, but no later than one hour prior to the start of the work day, or a reasonable time in the case of an emergency. *The supervisor will notify employees of one specified phone number to call when an employee calls out. Subsequent to this notification under this paragraph, the employee reporting sick leave must notify the supervisor of: personal certification of the need for a sick day, The employee must also notify the supervisor of: the nature of the illness, the telephone number where the employee may be contacted during sick leave, and the expected duration of the sick leave, if known. If the supervisors are unavailable, the employee shall leave a message with the receptionist. Supervisors are responsible for noting the absence on the GroupWise Calendar. The Human Resources Specialist shall have the right to contact the employee to ascertain the nature of the illness and follow up as necessary.*

A supervisor may telephone or visit an employee on sick leave or Worker's Compensation/Sick Leave Injury at his/her residence or place of confinement during the scheduled workday(s).

When under medical care during sick leave, employees are expected to conform to the instructions of the attending physician if they wish to qualify for salary payment during such period of illness or disability. No employee shall be allowed to work who endangers the health and well-being of other employees and, if the employee's condition warrants, the employee may be directed to a physician selected by the Commission for an opinion as to fitness for duty. Sick leave with pay shall not be allowed while on sick leave under the following conditions:

- When the employee under medical care while on sick leave fails to carry out the orders of the attending physician.

- When, in the opinion of a physician hired by the Commission, the disability or illness is not of sufficient severity to justify the employee's absence from duty after being examined by a third doctor. The Executive Director reserves the right, in such cases where there is a difference of professional opinion between the physician hired by the Commission and the employee's personal physician, to require the employee to submit to an examination by a third doctor. The third doctor shall be hired by the Commission.
- When the employee does not report to a physician hired by the Commission, as directed.

Other than sick leave used for bereavement purposes, if an employee is absent for reasons that entitle the employee to sick leave or is on Workers' Compensation or Sick Leave Injury because of an injury sustained during his/her employment, the employee shall remain at his/her place of confinement during the period in which he/she is scheduled for work on the day(s) in question unless: reporting for medical attention to a doctor's office or hospital, engage in the exercise of his/her right to vote or to attend religious services, and/or if an emergency necessitates his/her absence.

Sick leave will be charged in 30 minute increments for any illness or injury which prevents an employee from carrying out his or her normal duties.

In cases where an employee is medically restricted from some but not all normal duties, his or her Program Director or Division Manager will determine whether responsibilities can be temporarily rearranged so as to permit the employee to return or stay at work.

Sick leave may also be used when an employee is required to schedule a medical appointment, tests, or a related matter during normal business hours. Employees are encouraged to avoid this whenever possible so that their leave remains available to cover an illness or injury and to schedule such appointments to minimize time out of the office.

If an employee is required to attend to an ill or injured member of the immediate family (defined as spouse, civil union *partner*, domestic partner under the law, father, mother, *stepmother*, *stepfather*, *stepchild*, mother-in-law, father-in-law, grandfather, grandmother, grandchild, sister, brother, son, daughter, foster child, or other child under legal guardianship) or another relative permanently residing in the employee's home, sick leave may be used. If the use of sick leave satisfies the criteria under the Family Medical Leave Act and/or the Family Leave Act, it can be designated as Family Leave under one or both of the Acts.

Once an employee exhausts his/her sick leave, the employee must use vacation and/or administrative leave. Once such leave is exhausted there is no entitlement to leave without pay.

The use of sick leave in association with bereavement is discussed later in the **LEAVE** section.

Sick leave may not be used for any purpose other than those described above.

Sick leave shall not be charged when a scheduled holiday occurs during the sick leave.

Medical Certification

The Commission values the health of its employees and fully expects that the average use of sick leave for other than extraordinary circumstances will not exceed three to five days per year. Since absences beyond this may be indicative of a chronic or serious problem and may also affect the health of other employees, a medical certification will be required when a sick leave absence exceeds four (4) consecutive *work* days. The medical certification must state when the employee is able to return to work and if there are any work limitations. The certification must be presented to the Human Resources Specialist *or the Executive Assistant to the Executive Director* ~~Business Services Manager~~ before the employee can report for duty. During protracted periods of illness or disability of an employee, the Human Resources Specialist may require interim reports on the condition of the patient from the attending physician and/or a physician hired by Commission. The Executive Director may waive the certification requirement due to special circumstances. Medical certifications may also be required by an employee's supervisor in the event of other special circumstances.

An employee who has been absent on sick leave for periods totaling more than fifteen (15) days in any calendar year, consisting of multiple periods of less than five (5) days, shall have his/her sick leave record reviewed by the Executive Director or his/her designee. If sick leave abuse is substantiated (except those cases where the employee is entitled to FMLA leave), the employee shall be required to submit acceptable medical evidence for any additional sick leave in that year. In cases where an illness is of a chronic or recurring nature causing recurring absences of one (1) day or less, only one (1) submission of such proof shall be necessary for a period of six (6) months.

Job Related Illness or Injury

A short term absence from work caused by an injury or illness arising out of or caused by an employee's employment with the Commission will be considered Sick Leave Injury with full pay and shall not be charged against an employee's earned sick leave. Salary benefits for a longer absence from work due to a job related illness or injury will be covered by the Commission's workers' compensation insurance. *Human Resources and Business Services* must be immediately notified of any job related illness or injury (whether it is slight or severe) in order to provide specific details to the affected employee and the workers compensation insurance carrier. See section on WORKERS' COMPENSATION insurance.

Employees may not return to work without a certification from the attending physician that he/she is capable of returning to work. The certification must note any work limitations. Employees returning from an authorized leave of absence as set forth above will be restored to their original job classification and shift at the then appropriate rate of pay with no loss of seniority or other employee rights, privileges or benefits.

Earning Sick Leave

All full time, continuing employees earn sick leave in 30 minute increments, at a rate of ~~40~~ 12 days (~~70~~ 84 hours) each year *effective July 1, 2014*. Part time, continuing employees who are scheduled to work ~~20~~ 25 or more hours per week earn sick leave on a proportionate basis. Employees do not earn sick leave for any overtime or while on a leave without pay status.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than ~~20~~ 25 hours per week are not eligible for paid sick leave. Sick leave will be advanced at the beginning of each calendar year or on a proportionate basis when an employee begins his or her employment. Until employees earn that leave, it will be considered to be advanced and unearned. Moreover, new employees will not vest in any earned sick leave until after six consecutive months of employment.

All sick leave earned but not used will be accumulated without limitation so that employees can build a personal sick leave account as insurance against a serious illness or injury.

An employee who is absent due to illness or injury and who does not have any accumulated sick leave may be placed on a leave without pay status. Employees should be aware that leaves without pay may affect other paid leave allowances, the timing of performance reviews, the merit increase amount and insurance benefits. More on these implications is contained in the sections on LEAVES WITHOUT PAY, **PERFORMANCE EVALUATIONS**, and **INSURANCE BENEFITS**.

ADMINISTRATIVE LEAVE

Recognizing that employees may be periodically faced with personal emergencies, may wish to observe religious holidays, or may have personal business to attend to during business hours, the Commission grants most of its employees paid administrative leave.

Earning Administrative Leave

All full time, continuing employees earn administrative leave in 30 minute increments, at a rate of 3 days (21 hours) each year. Part time, continuing employees who are scheduled to work ~~20~~ 25 or more hours per week earn administrative leave on a proportionate basis. Employees do not earn administrative leave for any overtime or while on a leave without pay status.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than ~~20~~ 25 hours per week are not eligible for paid administrative leave.

Administrative leave will be advanced at the beginning of each calendar year or on a proportionate basis when an employee begins his or her employment. Until employees earn that leave, it will be considered to be advanced and unearned. Moreover, new

employees will not vest in any earned administrative leave until after six consecutive months of employment.

Unless the Executive Director grants special dispensation for new employees who've begun their employment within six months of the end of a calendar year, administrative leave must be used in the calendar year in which it's earned and may not be carried over to the next calendar year.

BEREAVEMENT LEAVE

When an employee experiences a death in his or her immediate family (defined as spouse, civil union, domestic partner under the law, father, mother, *stepfather*, *stepmother*, sister, brother, son, ~~or~~ daughter, *stepchild*, or *minor child under legal guardianship*), he or she will be permitted 2 days (14 hours) of paid bereavement leave. *Employees will be permitted one day (7 hours) of bereavement leave in the event of death of the following family members: grandparent, grandchild, sister-in-law, brother-in-law, non-minor child under legal guardianship.* Reasonable verification of the event may be required by the Commission. When the employee has exhausted the bereavement leave, a reasonable period of absence from work may be charged against administrative leave and then sick leave, respectively. In addition, when an employee experiences a death of a different family member, such as mother-in-law, father-in-law, ~~grandfather, grandmother, grandchild,~~ foster child, ~~other child under legal guardianship,~~ or another relative permanently residing in the employee's home, a reasonable period of absence from work may be charged against administrative leave and then sick leave, respectively.

JURY DUTY

The Commission recognizes the obligation of all citizens to perform jury duty. Absent with pay leave will be provided to all continuing employees (full time and part time) when required to perform jury duty that conflicts with their scheduled working hours. Seasonal employees shall be granted a leave without pay to attend jury duty. Each employee called to jury duty must notify his/her supervisor at least 2 weeks prior to jury service or within one business day of receipt of the notice for jury service if the notice is not provided two weeks in advance.

A copy of the summons should be given to *Human Resources Business Services*. The employee should report to *Human Resources Business Services* to discuss administrative matters relative to the absent with pay leave for jury duty. Since the employee will receive his/her regular pay while attending jury duty, any monetary consideration for such attendance which is received by the employee is to be reimbursed to the Commission. When jury service is completed prior to 12:00 noon, the employee is required to report to work. The provisions of this policy do not apply when an employee voluntarily seeks jury service.

Upon completion of jury duty the employee will provide written verification of attendance to *Human Resources Business Services*.

LEAVES WITHOUT PAY

Implications of Leaves Without Pay

Such leave of absence shall not be part of the term of employment. Employees shall not earn vacation, administrative, sick leave or holiday pay while on a leave without pay status.

There may also be distinct implications on insurance benefits, the timing of performance evaluations and any salary increase amount. Employees are urged to review the appropriate sections in this manual and discuss them with *Human Resources Business Services* beforehand.

LEAVE BANK

~~Leave Bank~~

There may be instances when employees receive leave bank time. Leave bank time is not automatically earned each year. Employees need advance approval from their supervisor prior to using accrued leave bank time. Leave bank time can be used in 30 minute increments. *Prior to 2015, Leave bank time accrued but not used may be accumulated and will be carried over from one year to the next. Employees will receive a lump sum payment for any accrued but unused leave bank time when employment ends or when an employee retires. As of May 30, 2015, all employees shall receive seven (7) Paid Leave Bank Days. These Paid Leave Bank Days must be used by January 1, 2016. Any Paid Leave Bank Days that remain unused after January 1, 2016 will expire.*

LYME DISEASE

Employees whose normal work assignments require that they periodically make trips to the field may be exposed to ticks which carry Lyme disease. Any employee who has been bitten by a tick and/or experiences the symptoms of Lyme disease (flu like symptoms, stiff joints, etc.) should notify *Human Resources Business Services* in writing as soon as possible. The employee will be directed to be tested for Lyme disease. Any costs of the testing not covered by insurance will be borne by the Commission.

ORIENTATION

An orientation program is afforded to all new employees as a means to familiarize them with the Commission's goals and objectives, its organization, and the operations of the various offices.

When starting your employment with the Commission, please make sure you discuss the details of the orientation program with *Human Resources Business Services* and your supervisor.

OUTSIDE ACTIVITIES AND EMPLOYMENT

Employees will not be permitted to engage in outside employment, service or activities whether compensated or not that conflicts with their responsibilities to the Commission

and/or which is *inconsistent* with the requirements of the Uniform Code of Ethics; any supplemental code adopted by the Commission and approved by the State Ethics Commission; the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.; the regulations, standards, guidelines, opinions and decisions of the State Ethics Commission; and any Gubernatorial Executive Orders addressing ethics.

OVERTIME

OVERTIME PAY AND COMPENSATORY TIME FOR NON EXEMPT EMPLOYEES

Overtime pay or compensatory time shall be granted to employees occupying non-exempt positions for work performed beyond the 35 hour workweek as follows:

- For the 35th hour through the 40th hour - compensatory time off or cash compensation on an hour for hour basis. This work will be kept to a minimum and must have the prior approval of the employee's supervisor. The decision as to whether compensatory time or payment will be granted is to be determined by the employee's supervisor based upon the compensatory time earned to date, time remaining in the calendar year to use the compensatory time, and the workload of the employee's section.
- Above 40 hours - cash compensation at the rate of 1 1/2 times the hourly proration of the employee's salary. Work performed beyond 40 hours in any workweek must have prior approval of the employee's supervisor and Program Director or Division Manager which includes a signed Record of Work Performed in Excess of Regular Hours form.

When an employee is required to work hours outside of the employee's normal work day or work week the Commission will not avoid paying overtime by changing the employee's hours of work within the work day or work week that such hours were worked. There have been and will continue to be occasions when an employee is needed to work outside the normal workweek (on weekends or at nights). Thus, the Executive Director is authorized to approve, upon request of the employee's supervisor(s), an irregular schedule for an employee who is affected by this type of working situation in order to fit the Commission needs. Employees must use all compensatory time by the end of the calendar year in which it is earned unless the Executive Director determines that it can not be used due to workload, in which case it shall be carried forward to the next calendar year and be used within three months.

PARTICIPATION IN PROFESSIONAL ASSOCIATIONS AND ATTAINMENT OF PROFESSIONAL LICENSES

The Commission encourages its employees to participate in professional associations and attain professional licenses to further career development.

LICENSES

When an applicable professional license or certification is a condition of employment, or where such is of direct benefit to the Commission *as determined by the Executive Director, and funds permit*, the Commission will reimburse employees for the cost of the annual license or certification renewal.

PERFORMANCE EVALUATIONS

PROVISIONAL EMPLOYEES

Prior to the end of the first six months of employment, the performance of each full time employee or part time employee will be evaluated by his or her supervisor.

Employees who are promoted or transferred to a new job title shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each.

Employees may wish to refer to the section concerning **PROVISIONAL STATUS OF NEW EMPLOYEES and EMPLOYMENT ACTIONS** for details.

FULL AND PART TIME EMPLOYEES

Written performance evaluations will be completed by the appropriate supervisor on an annual basis using a standard evaluation period. The length of a leave of absence without pay may affect the timing of an employee's annual performance evaluation. Approximately six months between annual evaluations, the supervisor shall have a conference with the employee and advise the employee of his/her performance and review established objectives.

Each employee shall be notified of his/her performance evaluation and shall have the opportunity to review such evaluation and the supervisor shall confer with the employee regarding the evaluation. All evaluations must be signed by the employee and the employee supervisor. *The required signature of the employee on the annual evaluation form, or on any other related form, shall be acknowledgment of receipt but shall not be construed to mean agreement with the content of such form, unless such agreement is stated thereon by the employee.* Failure of the employee to sign the evaluation document shall not prevent the document from becoming part of the employee's record.

The Commission will evaluate the Executive Director's performance.

CONTENT OF PERFORMANCE EVALUATIONS

Supervisors are responsible for conducting thorough, impartial, and timely performance evaluations with employees who report directly to them. Each employee's performance in certain key performance areas and other performance categories will be evaluated. On the basis of these and other factors which are identified as having a bearing on performance, an

overall performance rating can be assigned. Actual performance (and not the potential worth of the employee) will be rated according to whether it is “*Unsatisfactory*,” “*Satisfactory*,” or “*Exceeds Expectations*.” ~~“not acceptable,” is “below expectations,” “achieved expectations” or “exceeded expectations.”~~ Since each employee's performance is based upon different factors, the performance of one employee is not to be compared or ranked against another.

PERSONNEL RECORDS

ACCESS

Personnel files are confidential and are to be treated as such. Employee access to personnel files is limited to the following:

- The employee
- The employee's supervisors or potential supervisors if being considered for a promotion or transfer
- The Executive Director
- *Human Resources*
- ~~Business Services~~ Staff directly involved in personnel matters, only as they need access in the course of their normal duties

Personnel files can only be reviewed in the presence of *Human Resources* ~~a Business Services employee~~ or the Executive Director. Personnel files are to be secured by the end of each day.

CONTENT

An employee's file contains a variety of personnel documents. The file may include but is not limited to documents relating to employment actions, employee benefits, payroll information, performance evaluations, salary administration, the employee's personal information, annual leave records and any other relevant personnel item.

Employees shall be *notified and* given the opportunity to initial derogatory or negative personnel file entries. Failure of the employee to sign the derogatory or negative file entry shall not prevent it from becoming part of the employee's record. The employee shall have the right to respond to any document in his/her personnel file and to be provided with a copy of same. The employee will have ten (10) ~~calendar~~ *working days from the date of notification* to file a response to any document placed in the file.

RECRUITMENT

In order to afford employees an opportunity to build their careers with the Commission, efforts will be made to recruit from current employees whenever a sufficient pool of

potential candidates exist. When this pool of current employees is limited, the supervisor and *Human Resources Business Services* will share in the responsibility to broaden the Commission's recruitment efforts so that the best qualified person is hired.

All job vacancies that are to be filled will be posted on Commission bulletin boards in each building for a minimum of five (5) days. *All vacancies shall be emailed to all current Commission employees.*

In no event shall the hiring of an employee be considered as creating a contractual relationship between the employee and the Commission; and, unless otherwise provided in writing, such relations shall be defined as "employment at will," where either party, with appropriate notice, may dissolve the relationship.

RESIGNATION

INSURANCE BENEFITS

Because of State requirements, life insurance benefits will end within a short period after employment ends. However, employees will be afforded an opportunity to convert life insurance benefits from our group policy to an individual policy. Additionally, under the Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA), employees and their dependents may be eligible to continue their health and dental insurance benefits at their own cost for a specified number of months.

Employees are encouraged to consult with *Human Resources* ~~the Business Services office~~ on the details of these arrangements.

LEAVE

Employees shall receive payment for all unused compensatory time. In addition, payment will be received for accrued but unused leave bank time *received prior to April 27, 2015. Refer to LEAVE BANK for more information.*

Employees shall receive payment for all unused compensatory time. ~~and~~ *In addition, payment will be received for* accrued but unused leave bank time *received prior to April 27, 2015. Refer to LEAVE BANK for more information.* An employee who has vested in vacation leave and resigns with proper advance notice will receive a lump sum payment for all earned but unused vacation leave. More information on payments for earned vacation leave is contained in the section on **LEAVE**. Employees are not eligible to receive payment for earned but unused administrative leave or sick leave.

Any vacation, administrative, or sick leave which is not vested is considered to be advanced and unearned. Consequently, the employee must reimburse the Commission for any leave used which is not vested. The same holds true for other employees who have used any leave advanced at the beginning of the calendar year but which is unearned at the time of resignation. Normally, these adjustments will be made in the employee's final paycheck.

RETIREMENT PLAN

Employees who the State Division of Pensions and Benefits determines are eligible for membership in the Public Employees Retirement System (PERS) shall be enrolled in this contributory retirement plan.

Retirement benefits are calculated according to the retiring employee's salary, his or her age, and the length of membership.

The information presented here is intended to highlight the retirement plan but should not be construed as a substitute for the policies of the PERS program. Employees are encouraged to obtain additional information about these benefits from *Human Resources Business Services* or the State Division of Pensions and Benefits.

PLANNING YOUR RETIREMENT

The PERS program is necessarily detailed and employees are encouraged to become familiar with the benefits early in their careers with the Commission. For example, health benefits may be continued when employees have 25 years in PERS of which at least seven (7) years are Commission employment, life insurance coverage may continue subject to some limitations, and the Commission will pay its employees for one half of all earned but unused sick leave, up to a maximum of \$15,000.

As you approach retirement, more detailed preparations should take place and you're encouraged to consult with a PERS counselor and *Human Resources Business Services* at least six months ahead of time.

SALARY ADMINISTRATION

MERIT INCREASES

~~Two merit increase pools will be established in the budget each year from which to draw employees' merit increases. All three union bargaining units will be covered by one merit pool and the other merit pool will cover those not covered under the union agreement. Each merit pool will equal no less than 2.5 % of the total annual salaries of the eligible employees participating in that particular merit pool.~~

~~The basis for an employee's merit increase will be his/her performance evaluation rating as follows:~~

- ~~• A rating of one (1) — not acceptable — will receive no merit increase~~
- ~~• A rating of two (2) — below expectations — will receive a 1 % merit increase~~
- ~~• A rating of three (3) — achieved expectations — will receive a 3 % merit increase~~
- ~~• A rating of four (4) — achieved expectations — will receive a 3.5 % merit increase~~

- ~~• A rating of five (5) exceeded expectations will receive a 4 % merit increase~~
- ~~• The above percentages increase shall be reduced proportionally, if necessary, to equal and not exceed the total of the merit pool.~~

~~The merit increase pools do not include promotional increases.~~

~~The Commission will, at the recommendation of the Personnel and Budget Committee, determine on an annual basis whether and to what extent the salary for the Executive Director should be changed as a result of his/her performance evaluation.~~

LUMP SUM PAYMENTS

Effective September 1, 2014, all union employees shall receive a \$500 lump sum payment that will not be applied to an employee's base salary. Effective June 30, 2015, each union employee shall receive a \$500 lump sum payment that will not be applied to an employee's base salary.



*Property of the
Pinelands Commission*

PERSONNEL POLICIES

Revised June 2015

This Manual is the Commission's property and is posted on the Commission's intranet. Recipient is responsible for knowing its contents and updates and is verifying that he/she understands the above by signing this acknowledgement form.

ISSUED TO: _____

SIGNED: _____

DATE ISSUED: _____

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INTRODUCTION

The purpose of this manual is to describe the general policies, procedures, and benefits of employment with the Pinelands Commission.

Every employee should become familiar with the manual's contents. Although it includes information about employee benefits provided through arrangement with a third party (e.g. health insurance), it should not be considered as a substitute for the specific requirements of those programs, contracts and insurance policies. Any questions about the manual should be directed to supervisors and Human Resources.

These policies also reflect provisions of the Commission's collective bargaining agreements with the Communications Workers of America, Local 1040. Although these policies apply to all Commission employees, employees who are governed by an agreement should familiarize themselves with its terms because the specific terms of the agreement will control should a conflict arise with regard to a specific provision of the agreement. To the extent that these policies address matters not specifically or expressly covered by the collective bargaining agreements, these policies will apply.

The Commission is committed to these policies and programs but must reserve the right to change them if it determines that it is necessary to do so because of changing conditions or unusual circumstances.

Finally, these policies are not a contract of employment between the Commission and an employee.

ADMINISTRATION OF THE PERSONNEL POLICIES

As the Pinelands Commission's chief operating officer, the Executive Director is responsible for administering these policies. Of course, administration of certain of the policies and procedures expressly involve the Commission or its Personnel and Budget Committee. In addition, supervisory staff and Human Resources play a major role in effectively carrying out these policies, procedures, and programs.

ASSIGNMENTS

The staff of the Pinelands Commission is organized under the general direction of the Commission's Executive Director.

The Commission's Table of Organization (Appendix B) denotes the offices of the organization which report to the Executive office. The Executive Director is responsible for assigning specific responsibilities to each office after consultation with the Commission.

The Executive Director shall also be responsible for maintaining descriptions of each staff position as well as a description of the required education and/or work experience attendant to each position.

TEMPORARY ASSIGNMENTS

The Executive Director is authorized to temporarily reassign staff members from one position to another in recognition of changed operational needs, provided that the employee is qualified to perform the duties of the position to which he or she is to be reassigned and the reassignment has no effect on the employee's salary. Permanent reassignments will be considered transfers and be handled as such.

If a sudden vacancy or other unusual circumstance arises, the Executive Director may temporarily reassign an employee to another more senior position in an "acting" capacity. In such a case, the employee must be qualified to perform the duties of the position and will receive a temporary pay increase consistent with the Commission's policy on promotions.

ATTENDANCE AND PUNCTUALITY

Unnecessary absenteeism and lateness are not only disruptive to the Commission's business, but they also place an unfair burden on other employees.

Consequently, all employees are expected to report to work on time on a regular basis unless they are scheduled to be on leave or away from the office on business. If an emergency or other unexpected situation arises, employees should advise their supervisors at the earliest possible time or, in their absence, the receptionist. Employees are responsible for following the proper procedure when using sick leave. Detailed information is contained in the SICK LEAVE section.

Failure to do so will be considered an unexcused absence and the employee is not entitled to be compensated for the time out of work. Other unexcused absences include the use of leave above that to which the employee is entitled and the use of leave without proper cause and authorization. Unless extenuating circumstances exist, an unexcused absence shall be a cause for disciplinary action. Absence without notice and approval for five (5) or more consecutive work days or failure to return from any leave of absence for five (5) or more consecutive work days may be recorded as termination of employment absent any extenuating circumstances.

BUSINESS USE OF PERSONAL VEHICLES

The Commission provides its staff with several vehicles for official business. Only Commission staff, Commission approved volunteers and subcontractors, or government officials are allowed in Commission vehicles. In the event no Commission vehicles are available for use, an employee may need to use his or her personal vehicle for business purposes. The employee must possess a valid driver's license and the vehicle must be insured per New Jersey law.

Reimbursement will be based on the actual miles driven, less normal commuting miles if applicable, using the current approved State mileage reimbursement rate. Parking and toll charges supported by receipts will be reimbursed at the actual cost. In order to receive reimbursement, employees must submit a properly completed travel expense voucher.

The Commission assumes no liability for an employee's vehicle used for Commission business or damage to an employee's vehicle while parked on Commission property.

Commissioners who use their personal vehicle for official Commission business should refer to the section on COMMISSIONERS' EXPENSES under **TRAVEL EXPENSES**.

CARE OF BUILDINGS, EQUIPMENT AND VEHICLES

The Commission values an attractive, comfortable and efficient working environment for its employees and recognizes the historic nature of its offices. Everyone must be particularly sensitive to the care and appearance of the office, equipment and vehicles.

All employees share in the responsibility of ensuring that the Commission's equipment, vehicles and facilities are neat and in good working order. If an equipment, vehicle or physical plant defect is discovered, it should be immediately reported to Business Services so that steps may be taken to remedy the situation.

OFFICE IMPROVEMENTS

Business Services is responsible for planning improvements to the buildings and grounds to make them more functional and attractive. Employees are encouraged to offer suggestions to Business Services which they feel can improve our office.

SECURING THE BUILDINGS

The Commission's offices must be properly secured when not occupied. This involves locking all exterior entrances, closing any open windows, and setting the alarms.

Employees working beyond normal business hours must check to see if any other employee is present before leaving the building. If no other employee is present, the building must be secured and the alarm set.

CODE OF ETHICS

As public officials, employees of the Commission have a duty and obligation to maintain the trust and confidence of the public. Consequently, every employee must become familiar with and abide by the State's Uniform Code of Ethics and, if one is promulgated, the Commission's Supplemental Code of Ethics. If questions arise as to its application in given situations, employees should consult with the Ethics Liaison Officer beforehand. *See section on **OUTSIDE ACTIVITIES AND EMPLOYMENT**.*

GIFTS

Employees often wish to know how to deal with gifts that are sometimes offered to them by people who do business with or are applicants before the Commission. The Uniform Code of Ethics prohibits the acceptance of a gift, favor, service, or other thing of value related in any way to the employee's official duties or job responsibilities. There is a zero tolerance policy for the acceptance of gifts.

In practical terms, employees should refrain from accepting a gift, favor, service, fee, commission, gratuity, or consideration of any kind either directly or indirectly. This is not intended to prohibit the acceptance of routine promotional or advertising items of trivial or nominal value, provided the use of such items does not create an impression of a conflict of interest. The receipt of such complimentary articles is not required to be reported to the Commission's Ethics Liaison Officer.

In the event an employee, his/her spouse or partner, or immediate family member is offered or sent a gift, the employee should immediately bring the gift to the Commission's Ethics Liaison Officer, or in his/her absence, the Business Manager. The Commission's Ethics Liaison Officer will make arrangements to return the gift to the sender or, if that is not possible or the gift is perishable, the Commission's Ethics Liaison Officer, will make arrangements to donate it to a charitable organization.

VIOLATIONS

Violations of the New Jersey Conflicts of Interest Law, N.J.S.A. 54:13D-12 et seq., Uniform Code of Ethics, Rules of the State Ethics Commission or the Commission's Supplemental Code of Ethics, if one is promulgated, shall be cause for discipline, including but not limited to removal, suspension, demotion or other disciplinary action. However, no disciplinary action will be taken for a potential ethics violation until after the potential violation and proposed discipline has been referred to the State Ethics Commission and it has issued its approval of such discipline in accordance with N.J.S.A. 52:13D-23(d). The Commission's Ethics Liaison Officer should be consulted immediately regarding any potential ethics violation and shall be responsible for referring such matter to the State Ethics Commission.

Any employee who has knowledge of a violation of these policies or the Uniform Code of Ethics, or the Commission's Supplemental Code of Ethics, if adopted should immediately advise the Commission's Ethics Liaison Officer, or in his/her absence, the Business Manager. These reports will be held in confidence to the extent allowed by law, and in no case will the reporting employee's current employment or future career development prospects with the Commission be influenced as a result.

CONDUCT

Each of us has a duty to treat fellow employees and the public with courtesy and respect, to follow rules of common decency, and to conduct Commission business in a professional manner.

ATTIRE AND GROOMING

Although the Commission does not have a strict dress code, all employees will have occasion to come into direct or indirect contact with the public and/or representatives of other organizations on a daily basis. Therefore, employees are expected to come to work looking neat and clean and dressed in good taste.

RELATIONS WITH THE PUBLIC

There may be occasions when a person acts in a discourteous manner or uses objectionable language during a telephone call or a visit to the office. Employees are expected to maintain their professionalism in these instances and, if the person's behavior becomes overly offensive or is threatening, to immediately seek the assistance of a management employee or the Executive Director to resolve the matter.

IDENTIFICATION CARDS AND FIELD APPAREL

All employees are issued an employee identification card. When conducting field work, employees are required to display their identification cards so that other people can readily ascertain their employment status with the Commission.

Employees whose normal work assignments require that they periodically conduct field work may request to be issued Commission field apparel. In the absence of Commission field apparel, employees should exercise common sense in selecting apparel that provides protection from weather and insects and is appropriate in their roles as representatives of the Commission.

Identification cards and Commission field apparel remain the property of the Commission and must be returned to Business Services when staff members leave the employ of the Commission.

PERSONAL BUSINESS

Because of its disruptive nature and the associated costs to the Commission, employees should not conduct personal business during work hours. Personal telephone calls may be made and received on an occasional basis only if necessary and when they don't unduly disrupt business functions. If a long distance personal telephone call is necessary, the employee should take steps to ensure that the cost is not charged to the Commission.

The Commission's office, grounds, and equipment, including computers, should not be used for personal business whether or not the use is to occur during or outside of normal business hours.

ACCEPTABLE USE OF THE INTERNET AND ELECTRONIC MAIL/MESSAGING

The Pinelands Commission follows the State policies regarding acceptable use of the internet and electronic mail/messaging, full copies of which can be found on the Commission's

Intranet in the MIS section.

Commission provided email/messaging systems are Commission property and are intended for official business. The use of email/messaging systems by Commission employees is a privilege which constitutes the acceptance of responsibilities and obligations that are subject to all federal, state, and local laws and regulations. Commission employees are subject to discipline for misuse or unauthorized access, disclosure, or monitoring of electronic mail in accordance with applicable laws, regulations, collective bargaining agreements, and agency progressive discipline practices. Staff should not expect their email/messaging communications to be private, and should not use Commission provided email/messaging systems for personal matters.

Employees are given Commission provided access to the Internet to assist them in the performance of their jobs. The Commission may monitor Internet activity and therefore users should have no expectation of privacy. All records created by Internet use, including path records, are property of the Commission and are subject to monitoring. Users are expected to conduct their electronic communications in a professional, responsible and courteous manner. Misuse of the Commission's information infrastructure, information technology and electronic communications media, including, but not limited to, the unauthorized transmission of confidential or proprietary information; the use of profane, harassing or other offensive language; or other inappropriate uses, may subject the user to discipline, including termination of employment, initiation of civil action, or criminal prosecution.

Any unauthorized use of Commission provided computer hardware/software, internet and/or email/messaging systems shall be reported to management for appropriate action.

CONFLICTS OF INTEREST

Employees should remove/recuse themselves from matters in which the employee had any involvement, other than on behalf of the Commission, prior to commencement of his/her Commission service, or in which the employee's family or close friends have personal or financial interests that conflict with the proper discharge of his/her official duties. The Ethics Liaison Officer shall be notified of any concerns regarding a conflict of interest or recusal, the employee shall execute the recusal in writing and shall have no involvement with the subject of the recusal.

EXPLOITATION OF OFFICIAL POSITION

Employees may not use their position to secure a job, contract, governmental approval, or special benefit, advantage or privilege for themselves, family members, friends, or others.

JOB SOLICITATION

Employees who have direct and substantial contact with interested parties, i.e. employees or agents of entities that are subject to the Commission's jurisdiction, the Commission's vendors/suppliers, or organizations that advocate or represent the positions of their members before the Commission, shall not circulate resumes or seek employment in any manner with

those individuals or entities while still in Commission service. If an employee is solicited for potential employment by an entity with which he/she has direct and substantial contact, that solicitation must be disclosed immediately to the Ethics Liaison Officer and the Executive Director. Other employees, who do not have such direct and substantial contact with interested parties, may circulate resumes and engage in potential employment discussions with such entities so long as they avoid any situations that may give rise to an unwarranted advantage or potential conflict of interest. Solicitation or discussions regarding employment with entities that have a specific cause, proceeding, application or other matters pending before the Commission is prohibited.

LIFETIME POST EMPLOYMENT RESTRICTIONS

An employee may not, at any time, after terminating employment with the Commission, represent, appear for, negotiate on behalf of, or provide information or services not generally available to members of the public, or agree to perform any of those activities, for any party other than the State in connection with a specific cause, proceeding, application or matter with which the employee was substantially and directly involved at any time during the course of his/her employment with the Commission. This lifetime ban applies not only to the employee, but would also apply to the partnership, firm or corporation for which the employee is employed if: 1) the former employee is a shareholder, associate or professional employee of a firm organized as a professional service corporation or 2) the former employee owns or controls more than 10% of the stock of a corporation or more than 10% of the profits or assets of a firm, association, or partnership.

PERSONAL BELONGINGS

Since there are no totally secure offices and the Commission can't be responsible for personal effects, employees should exercise common sense and due care to protect personal belongings, such as handbags, wallets, and similar items.

POLITICAL ACTIVITIES

Although employees are free to be members of any political party, club or organization, may attend political meetings and participate in other political activities during non business hours, certain activities which affect their employment are prohibited. Prior to engaging in political activities, an employee shall notify the Ethics Liaison Officer.

Commission employees shall not engage in any political activity during their working hours nor shall they directly or indirectly use or seek to use the authority of their positions to control or modify the political action of any other person. Commission employees shall not post, including the wearing of political buttons or tee-shirts, or distribute campaign or election material of any kind in the workplace nor utilize Commission equipment, including but not limited to computers, telephone, facsimile machines, or copiers in connection with any election, political activity or campaign.

Before committing to run in a partisan election, employees should see the Ethics Liaison Officer to make sure they are not in violation of the Hatch Act. In addition, political

activities must be disclosed to the Ethics Liaison Officer to ensure there is not a violation of the Uniform Code of Ethics.

CONFIDENTIALITY

Every employee at some time or another is likely to have access to information which must remain confidential. This type of information may include but is not limited to that which may affect the right to privacy of others, relates to privileged attorney client information in pending or possible law suits, or relates to the pending or possible acquisition of land. Employees must exercise extreme care so that confidential information is held in confidence and should consult with their supervisors if any doubt exists about the confidential nature of any material.

EMPLOYEE ACCESS

In order to safeguard matters essential to the Commission, employees do not have free and unlimited access to all Commission offices or records.

Access to the Business Services, Management Information Systems, and Geographic Information Systems offices is restricted unless the employee is accompanied by a staff member of the respective office or Executive office.

In addition to personnel records, certain other records pertaining to contracts, finances, union matters and litigation are restricted. Any questions concerning access to these and other records should be referred to Human Resources.

DELEGATION OF AUTHORITY

In order to operate effectively and efficiently, the Executive Director and management staff delegate certain authorities to other staff.

Employees are expected to duly exercise these authorities when delegated. Conversely, employees must also exercise caution to ensure that authority is not exercised when it hasn't been delegated.

Any questions concerning whether or not an authority to act has been delegated should be immediately referred to supervisory staff.

DRUG AND ALCOHOL POLICY

The Commission is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee improperly consumes alcohol or illegally uses drugs on the job, comes to work under their influence, or possesses, distributes or sells alcohol or drugs in the work place. Therefore, the Commission has established the following policy:

- (1) It is a violation of policy for any employee to possess, sell, trade, or offer for sale alcohol or illegal drugs or otherwise engage in the consumption of alcohol or illegal use of drugs on the job.
- (2) It is a violation of policy for anyone to report to work under the influence of alcohol or illegal drugs.
- (3) It is a violation of policy for anyone to use prescription drugs illegally. (Nothing in this policy, however, precludes the appropriate use of legally prescribed medications.)
- (4) Violations of this policy are subject to disciplinary action up to and including termination.

If an employee is under the influence of any legally prescribed medications, which can affect the employee's performance of his/her job responsibilities, the employee should immediately notify the Human Resources Specialist or Business Services Manager of the potential side effects of the medication.

It shall be a condition of employment for all employees to submit to alcohol and/or drug testing under the following circumstances:

- When there is reasonable suspicion to believe that an employee is under the influence of alcohol or using illegal drugs.
- When an employee is involved in an on-the-job accident where personal injury or damage to the Commission's property occurs.
- As part of a follow-up program for treatment for drug and/or alcohol abuse.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the Commission.

The Commission recognizes the health implications of alcohol abuse and drug use on its employees and considers it a treatable illness. As with other illnesses, the Commission's primary objective is to assist in the employee's rehabilitation. The Commission has set this policy to encourage employees to voluntarily seek help for any substance abuse problems. See section on **EMPLOYEE ADVISORY SERVICE**.

An employee may voluntarily admit to the Commission that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the individual will immediately enroll himself or herself in a rehabilitation program at the employee's expense. The Commission will not take disciplinary action against an employee who voluntarily admits having an alcohol or

substance abuse problem unless that employee refuses to enroll in and complete a rehabilitation program. If an employee voluntarily enters rehabilitation on more than one occasion, however, the Commission may take disciplinary action up to and including immediate termination of the employee.

As a condition of employment, employees must abide by the terms of this policy and must notify the Commission, in writing, of any conviction of a violation of a criminal drug statute occurring in the work place no later than five (5) calendar days after such conviction.

EDUCATION AND TRAINING

NON DEGREE PROGRAM

The Commission encourages all of its employees to improve their job skills and participate in career development activities. In line with this policy, the Commission intends to assist employees whenever possible.

Training

All training which is directly job related and which is intended for an employee to retain or improve job performance will be fully paid by the Commission. Training may include workshops, seminars, conferences, and other courses as long as they are directly related to the employee's position and performance.

Training may be scheduled during normal business hours, in which case the employee will not be required to use leave, or outside of normal business hours, in which case a non exempt employee will be considered to be in overtime status. All reasonable expenses, including travel, will also be paid by the Commission.

Education

As distinguished from training, educational opportunities involve a course of study (including workshops, seminars, and conferences) which is oriented to an employee's career development. They may be directly or indirectly related to the employee's job but aren't necessary for the employee to fulfill his or her job responsibilities.

In these cases, an employee may be eligible to receive reimbursement for 50% of the costs of tuition, textbooks, and related expenses. Employees are encouraged to schedule these courses in their spare time; however, absent with pay leave may be granted in special circumstances as long as the total contribution by the Commission (including leave, tuition, etc.) does not exceed 50%. Travel, meals, and other incidental expenses will not be considered.

Approval

In order to be eligible, employees must receive approval before the training or education begins. Necessary requisition forms may be obtained from Business Services.

Payment

Training costs will generally be paid directly by the Commission; however, employees will be responsible for successfully completing the training or reimbursing the Commission for the costs.

Education assistance will be reimbursed to the employee after successful completion of the course.

Successful completion means a "B" or better for a graduate course and a "C" or better grade for an undergraduate or other course. If a pass/fail structure exists, the employee must pass.

DEGREE ASSISTANCE PROGRAM

Rather than attending individual courses of study, an employee may wish to pursue a degree from an accredited educational institution. Degrees may range from Associate up to and including doctoral degrees.

When a degree program benefits an employee's work with the Commission, it is in the Commission's interest to assist that employee. To avoid uncertainty as to the level of assistance an employee may receive for a number of courses to be taken over a multi-year period and to ensure that the Commission receives work related benefits commensurate with its financial investment, the Executive Director is authorized to enter into long term financial assistance agreements with employees who intend to use the assistance to obtain a degree.

The degree assistance program shall, at a minimum, provide for the following:

Eligible Employees

All full time, continuing employees and all part time continuing employees who are scheduled to work 25 or more hours per week are eligible to apply for degree assistance.

Eligible Costs

Eligible costs shall consist of tuition, books and other relevant fees at an accredited educational institution. Travel and other incidental expenses are not eligible for assistance.

Percentage of Assistance

If a degree is directly related to an employee's current position and duties, the percentage of assistance shall equal fifty percent of eligible costs. If a degree is not directly related to an employee's current position and duties but (1) will materially enhance the employee's ability

to perform his or her current job or (2) where the Executive Director determines it is otherwise of material benefit to the Commission in fulfilling its mission, the percentage of assistance shall equal thirty three percent of eligible costs.

Amount of Assistance

An employee may elect to enroll in an accredited institution of his or her choice. However, in no case can the amount of assistance being provided be more than would be the case if the employee enrolled in a comparable or similar field of study at Rutgers, The State University of New Jersey.

When an employee chooses to enroll in a higher cost program, the amount of assistance shall be reduced so that the total assistance does not exceed that which he or she would receive if attending Rutgers, The State University of New Jersey.

Absent With Pay Leave

Absent with pay leave may be authorized for an employee to attend classes if it does not disrupt Commission business activities. In such cases, the full value of the absent with pay leave, calculated on the basis of the employee's direct salary, shall be deducted from the amount of direct financial assistance to which the employee is entitled for otherwise eligible costs.

Agreement and Costs

A formal agreement between the employee and the Commission shall be executed. Estimates of the total eligible costs and the amount of assistance will be used to determine the maximum amount of assistance specified in the education agreement when first executed. This establishes the maximum contribution of the Commission. However, payments will be based on actual costs up to the maximum contribution.

Although an employee may request that an executed agreement be revised to reflect higher than anticipated costs, there is no guarantee that such a revision shall be approved.

Term of Agreement

Each agreement shall have a schedule and an expiration date which shall reflect the period of time necessary for the employee to receive the degree. Reasonable extensions may be granted due to unforeseen circumstances; however, in no case shall an agreement have a duration in excess of six years.

Payment

Employees will be eligible to receive payments from the Commission at the time of enrollment for individual courses. These individual payments shall be based upon the percentage of assistance being provided for the entire degree program. If an individual

course is not successfully completed, the payment for that course must be immediately refunded to the Commission; however, the assistance will remain available for use in the degree assistance program.

Successful completion means a "B" or better for a graduate level course and a "C" or better grade for an undergraduate or other course. If a pass/fail structure exists, the employee must pass.

Termination of the Program

A degree program may be terminated: 1) by the employee; 2) upon the mutual consent of the employee and the Executive Director, or 3) by the Executive Director, alone at his/her sole discretion, if it becomes apparent that the employee will not be able to satisfy his/her obligation to obtain the degree within the term of the agreement; or by the Executive Director alone, when the employee's employment with the Commission is to be ended.

If a degree program is terminated prior to the completion of the required degree, unless an employee is being released because of a reduction in force, the employee shall refund to the Commission the full amount of assistance he or she has received. This may be accomplished through a lump sum refund or through a series of payments or salary deductions which the Executive Director determines are reasonable after consultation with the employee.

When a program is terminated because the employee is released through a reduction in force, no refund for successfully completed courses will be required.

Selection and Approval

Employees may apply through their supervisors for assistance at any time. When such a request is received and if funding permits, the Executive Director shall notify all employees that he/she shall be considering requests for educational degree assistance and establish a date by which other employees may apply. The Executive Director shall determine which requests shall be financed, taking into account the amount of funding available, the amount of assistance requested, and the extent to which the degrees relate to the employees' jobs.

In order for the Executive Director to approve a degree assistance request, sufficient funds in the Commission's Reserve for Degree Assistance must be available to finance the entire cost of the Commission's contribution over the life of the agreement. When the agreement is executed, funds shall then be reserved in the Reserve for Education Agreements to finance the agreement for its full duration. In the event that the total payments provided in an agreement require Commission approval pursuant to the By Laws, the Executive Director's approval shall be subject to approval by the Commission before an agreement is executed.

Employment After the Degree is Earned

An employee who remains in the Commission's employ for five years after the degree has been earned shall not have an obligation to reimburse the Commission for the assistance it

provided. Should an employee leave the Commission's employ within five years, he/she shall reimburse to the Commission all or a portion of the assistance in accordance with the following schedule. This shall apply to all departing employees except those who are released because of a reduction in force.

<u>Departure After Degree is Earned</u>	<u>Percentage of Assistance To Be Reimbursed</u>
0 to 1 year	100%
More than 1 year but less than 2 years	80%
More than 2 years but less than 3 years	60%
More than 3 years but less than 4 years	40%
More than 4 years but less than 5 years	20%

If a Degree has not been earned and the employee has terminated his/her employment, he/she will reimburse the Commission 100% of the assistance it provided. See Termination of the Program. Refunds may be accomplished through a lump sum payment to the Commission or through deductions from remaining paychecks. In the event neither of these is possible, the Executive Director may accept a series of payments after employment is ended.

UPWARD MOBILITY

Training and education aspects of the Commission's Upward Mobility Program are governed by the policies included in the **UPWARD MOBILITY** section.

EMPLOYEE ADVISORY SERVICE

The Employee Advisory Service is a confidential counseling program designed to help employees manage work and life problems. Just as health insurance is designed to address an employee's physical well being, the Employee Advisory Service is designed to address an employee's emotional and mental well being, as well as to help manage work/life problems. The Employee Advisory Service provides professional counseling services to ensure that employees get the help, guidance and support they need during difficult times.

The Commission participates in the Employee Advisory Service. There is no fee to the employee. Family members may also be eligible for these services.

Information on this confidential counseling program will be distributed by Human Resources during the orientation program for new employees. Additional information can be obtained directly from the Employee Advisory Service by calling 1-866-EAS-9133.

EMPLOYEE SUPERVISION

Supervisors are the link between the Executive Director and employees. As such, they communicate to those under their supervision the goals and policies of the Commission and communicate to higher level staff the attitudes, suggestions, and concerns of the employees under their direct supervision.

Supervisors will ensure that the goals established by the Executive Director and the Commission regarding work output are achieved. Supervisors are responsible for assigning, directing and reviewing the work of their employees; training their employees in specific job duties and recommending special training as needed; keeping their employees informed relating to their work assignments; evaluating the performance of employees; recommending employment actions; scheduling vacations, administrative leave, and lunch breaks; controlling absenteeism and tardiness; verifying timesheets and overtime; and ensuring that Commission policies are observed by employees.

EMPLOYMENT ACTIONS

HIRING

The Commission approves the hiring of the Executive Director. In accordance with adopted Commission policies, approval of the Personnel and Budget Committee may be required before certain other full time or part time employees are hired. When the need arises for the Executive Director to fill a Program Director position, (s)he will consult with the Commission before recruiting for the position and the Personnel and Budget Committee before filling the position.

In normal circumstances, starting salaries for full time employees will be set in an amount equal to the beginning salary of the range for a specific position; however, the Executive Director is authorized to approve a higher starting salary if a candidate's education and amount and type of experience warrant a higher salary.

PROMOTION

Generally, an employee may be eligible for promotion in one of two instances. Whenever possible, new and vacant positions will be filled from within the Commission by promoting qualified employees. Depending upon the number of likely candidates from within the Commission, the Executive Director may limit recruitment to current employees or broaden recruitment outside the Commission.

The Executive Director is also authorized to promote an employee from one level to a higher level within the same type of position. These position levels involve varying levels of work complexity, duties, responsibilities and supervision. These promotions may be made without recruitment, but must be based upon employee performance, and ability to perform in the higher level position.

Except for entry level positions, in considering employees for promotion to job classification having a higher rate of pay, the Commission shall give due consideration to experience, ability, aptitude, performance, attendance, physical condition (to the extent permitted under federal and state law governing the handicapped/persons with disabilities). When all of the aforementioned items are equal, seniority shall be the deciding factor. Employees who are promoted or transferred to a new job title shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary

period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each. (see section on PROVISIONAL EMPLOYEES).

TRANSFER

A permanent transfer of an employee, as opposed to a temporary reassignment, may be made to an authorized position if the need arises as long as the employee is qualified for the position, his or her current salary is within the range of the position, and the employee's actual salary is not affected. Seniority and the efficiency of the operation will be considered when conducting lateral transfers. The Commission will provide two weeks written notice of any transfer of an employee except in an emergent situation.

Although every effort will be made not to transfer an employee to a position in which he or she has no interest, mandatory transfers may occur. If an employee refuses such a transfer, his or her employment may be subject to termination.

Any transfer which involves an increase or decrease in salary is considered to be a promotion or demotion and will be treated accordingly. Employees who are promoted or transferred to a new job title shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each. (see section on PROVISIONAL EMPLOYEES).

DEMOTION

Demotion is a means to assign an employee from a position in which performance is not acceptable to a more suitable position or it may be a result of “bumping” during a reduction in force (see section on REDUCTIONS IN FORCE).

When an employee is not performing at an acceptable level in one position, demotion to a vacant or newly funded position will be considered as an alternative to termination of employment if that position is attuned to the employee's skills, education, and experience.

Other than “bumping” during a reduction in force, only in exceptional circumstances can demotion to an already occupied position be considered as an alternative to termination of employment. The circumstances will exist only when the Executive Director can conclusively determine that:

- The employee in the occupied position is exceptionally well qualified to be promoted to the position being vacated due to demotion
- There are no other employees better qualified to assume the position being vacated due to demotion

- The employee being considered for promotion would compete for the position being vacated due to demotion if it was advertised
- The employee to be demoted has the skills, education, and experience attuned to the position to which he or she may be demoted

A reduction in salary shall be made only to the extent necessary to stay within the range of the position to which the employee is to be demoted.

Demotions must be approved by the Executive Director.

TERMINATION OF EMPLOYMENT

An employee's employment may be terminated if a new employee does not successfully complete the six month provisional period, if performance is unacceptable and transfer or demotion is not practical, if disciplinary measures have failed to correct inappropriate conduct, if gross misconduct occurs, if a serious infraction of Commission policy occurs, or due to a reduction in force.

Any employee who is convicted of a crime which involves dishonesty, which bears upon his or her duties and responsibilities with the Commission, or which involves an offense of the first, second or third degree shall be immediately dismissed under the same conditions as if gross misconduct occurred.

In all cases where termination of employment is contemplated, it is the Commission's policy to afford an employee with as much advance notice as possible (two weeks at a minimum, four weeks preferable) or, in the alternative, two to four weeks severance pay. The amount of severance pay will be a function of the reason for termination and the length of the employee's service; however, gross misconduct or a serious infraction of Commission policies shall be cause for immediate dismissal without severance pay or earned vacation leave pay.

Employees whose employment is terminated may be entitled to convert certain insurance benefits from the Commission's group policy to an individual policy and receive payment for certain unused leave and compensatory time. Employees should consult with the Human Resources office for details.

Terminations of employment must be approved by the Executive Director, except that the Commission must approve the termination of the Executive Director. The Executive Director will inform the Commission of a termination of employment which involves an individual in a Program Director position.

REDUCTIONS IN FORCE

Although the Commission intends and fully expects to maintain a full work force, there may be instances where a reduction in the work force is unavoidable. This may occur when:

- An overall shortage of funds exists or is projected to exist
- Funding dedicated to a specific project is lost or has been fully used
- A significant change in the Commission's work program or a reorganization occurs
- When the Executive Director determines that a reduction in force must occur, he or she shall decide how remaining positions and resources can be best allocated to address Commission work programs and priorities and will follow the Commission's Procedures for Instituting Reductions in Force, as revised and dated April 23, 2008.

Once the functional area(s) and the associated positions where the reductions must occur are determined, all employees who occupy those positions and others which are interchangeable with those positions will be identified. Interchangeable positions are those which are effectively comparable in duties, responsibilities, skills, compensation, and requirements relative to education and experience.

A retention register will then be established for each position to be reduced on the basis of each employee's length of service and performance rating.

Employees will then be released beginning with those who have the lowest point totals for each position to be reduced. An employee scheduled for release from one position may replace or "bump" an employee in another position. This shall be permitted only when one or more occupied positions exist at a lower level within the same or an interchangeable job family. In addition, bumping privileges shall also exist within another job family if the employee affected by the reduction in force has occupied a position within that job family within the preceding five year period. If bumping occurs, the employee affected by the reduction in force shall be demoted into the lower position (see section on DEMOTION).

The Commission will maintain a reemployment list which contains the name of every released employee, his or her point total, and the positions for which he or she is qualified by education and experience to assume. If any such position becomes available within the succeeding 12 month period, these released employees will be offered the position in descending order of their point totals. The salary offer will be that which, within the established range, equals or comes closest to the employee's prior salary.

DISCIPLINE

Just as this manual reflects what an employee can expect from the Commission, it also reflects what the Commission expects of its employees. In addition to the specific policies enunciated in this manual, each and every employee is expected to follow the general rules of common decency and common sense and bring to management's attention those actions of others which violate these fundamental policies of conduct.

When an employee violates these policies, disciplinary action may be taken but no employee shall be disciplined without just cause. Generally, disciplinary measures are means to

motivate an employee toward proper conduct in the future; however, repeated problems, serious infractions, or gross misconduct shall be cause for dismissal.

Disciplinary actions generally include a progressive set of measures – informal counseling, written warnings, suspension without pay, and dismissal – which must be applied in an objective manner considering the nature of the infraction and the employee’s past employment history with the Commission. Furthermore, it is the responsibility of the employee’s supervisor to document all disciplinary actions and provide the documentation to Human Resources.

The degree of discipline administered in a particular case must be reasonably related to: (1) the seriousness of the employee’s proven offense; and (2) the record of the employee and his/her service with the Commission.

Whenever a supervisor contemplates suspension without pay or dismissal, he or she must advise his or her Program Director or Division Manager who will in turn consult with the Executive Director. Where possible, the Executive Director will review the matter with the employee before deciding on the appropriate disciplinary measure.

In situations where investigation of a serious offense is necessary, the Executive Director may suspend the employee without pay. The Executive Director will determine what, if any, disciplinary action is warranted after the investigation is complete. The employee’s full pay status shall be reinstated for any portion of the suspension period not related to the disciplinary action.

Additionally, violations of the Commission’s personnel policies may also result in violations of the New Jersey Conflicts of Interest Law, N.J.S.A. 54:13D-12 et seq., Uniform Code of Ethics, Rules of the State Ethics Commission or the Commission’s Supplemental Code of Ethics, if one is promulgated. In those instances, the supervisor shall consult with the Commission’s Ethics Liaison Officer so that the matter may be referred to the State Ethics Commission for its review of the matter and approval of the discipline, prior to discipline being implemented.

In any case where an employee feels he or she has been unjustly disciplined, the appropriate grievance procedures shall be followed.

EMPLOYMENT CLASSIFICATIONS

All employees of the Commission are classified according to the scheduled duration of their employment and whether their positions are full time or part time. These classifications are important in determining the various benefits employees will receive.

Full time employees fill either a continuing or seasonal position. **Continuing positions** are those which don't have a limited duration or have a specified duration of more than six continuous months. Most of these are salaried positions; however, specified positions

scheduled to last for a fixed duration may be compensated on an hourly basis. **Seasonal positions** are those which are scheduled for a fixed period of time of six months or less.

Part time employees also fill continuing or seasonal positions and are always compensated on an hourly basis. **Continuing positions** are further classified according to the number of hours scheduled to be worked each week: 25 or more, or less than 25. Part time employees who occupy positions which are scheduled to end in six months or less are considered **seasonal**, no matter how many hours they're scheduled to work each week.

Employees should also be aware that their eligibility to receive compensation or compensatory time for overtime worked is based on whether they occupy **exempt** or **non-exempt** positions. More on this is included in the **OVERTIME** Section.

Every employee should know how his or her position is classified. Additionally, each employee should be cognizant whether his/her position **is or is not** covered by a **union** agreement. If you have any questions, Human Resources will be glad to help.

EXIT INTERVIEWS

Every employee who leaves the employment of the Commission must arrange for exit interviews with his or her supervisor and Human Resources on or before the last day of work.

These interviews are important both as a means to promote an orderly and smooth transition of work responsibilities and to review the details of the termination as they relate to pay adjustments, benefits, and the like.

At that time, every employee will be expected to account for and return all Commission property, including keys, identification cards, building access cards, reference books, files and personnel policy manuals, with which he or she has been entrusted. Failure to do so will result in an obligation to reimburse the Commission for the property and for any associated expenses, such as the need to replace locks.

GRIEVANCES

It is the Commission's policy to ensure that employees receive fair and equitable treatment and to provide employees with an easily accessible procedure for expressing and resolving dissatisfaction when they believe they haven't been treated accordingly.

A grievance is an expression of dissatisfaction relating to wages, hours of work, administration of the Commission's personnel policies, or another work related condition. Since separate policies have been established to cover disagreements over performance evaluations (see section on **PROCEDURES FOR CONDUCTING PERFORMANCE EVALUATIONS**), equal employment opportunity matters, and discrimination in the workplace, employees who have a concern with any of these matters must follow those procedures. Moreover, employees covered by a union agreement shall follow the grievance process for matters of interpretation, application, or violation of the terms and conditions of

the union agreement as outlined in the union agreement. The grievance process outlined below is for those employees who are not covered under an agreement with a union or for matters not covered in a union agreement.

GRIEVANCE PROCESS

When an employee has a grievance, the first step is to take the matter up informally with his or her immediate supervisor. If a satisfactory settlement isn't reached as a result of this discussion, the employee should prepare a written report. In order to ensure the best possible recall of the facts and circumstances, this report must be prepared and submitted to the immediate supervisor as soon as possible but in no case more than seven (7) working days after the employee first had knowledge of the incident that prompted the complaint.

The immediate supervisor will ensure that all of the relevant facts and information are documented and must forward the report to the next level supervisor for review.

The next level supervisor will investigate the matter, discuss it with the employee, and seek a satisfactory resolution. If the employee is not satisfied, the matter will be referred by steps up the organization. The Executive Director's decision will be final unless he/she is the subject of the complaint, in which case it will be referred to the Personnel and Budget Committee for final disposition.

Everyone involved in the grievance process must keep these matters as confidential as possible and may not discuss them with anyone other than those people who are involved in the grievance or its resolution.

HOLIDAYS

The Commission joins in the observance of legal holidays observed by the State and other holidays proclaimed by the Governor. The Commission's offices will, therefore, be closed during the following holidays:

- | | |
|--------------------------------------|--------------------|
| o New Year's Day | o Labor Day |
| o Martin Luther King, Jr.'s Birthday | o Columbus Day |
| o Presidents' Day | o Election Day |
| o Good Friday | o Veteran's Day |
| o Memorial Day | o Thanksgiving Day |
| o Independence Day | o Christmas Day |

COMPENSATION FOR HOLIDAYS

All full time, continuing employees will receive seven (7) hours pay for holidays provided that they are in full pay or furlough status on the workdays immediately preceding and following the holiday.

All part time, continuing employees who are scheduled to work 25 or more hours per week will receive pay for holidays on a proportionate basis. Payment for these holidays will be

made in the employee's check for that biweekly pay period provided that the employee is in a pay status on his or her last scheduled workday(s) immediately preceding and following the holiday.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than 25 hours per week do not receive holiday pay.

Any employee who is on a leave of absence without pay shall be ineligible for paid holidays which fall during the employee's leave of absence.

WORKING ON HOLIDAYS

Any non-exempt employee who is otherwise entitled to a paid holiday and who works on that holiday will be considered to be in an overtime status during the working period. This means that the employee will receive compensatory leave or overtime pay in addition to receiving payment for the holiday.

Any exempt employee who is entitled to a paid holiday and who is required to work on that holiday may receive absent with pay leave if prior approval is received from the employee's supervisor and the Executive Director.

INCLEMENT WEATHER OR ADVERSE WORKING CONDITIONS

The Executive Director is authorized to close the office due to inclement weather or adverse working conditions. Employees are expected to call the Commission's main telephone number and listen for a recording stating that the office is closing or if a delayed opening is occurring.

The following policies apply to employees who are not classified as essential employees as described in the **OVERTIME** policy:

- When a delay in opening the office occurs, those employees who report to the office on that day will be granted absent with pay leave;
- Employees who are at the office when an early closing of the office occurs will be granted absent with pay leave; and
- When the office is closed for an entire day, all employees who are not working at another work site that is unaffected by the condition will be granted absent with pay leave provided that the absent with pay leave shall be reduced for any other previously scheduled leave.
- When an employee is unable to get to his/her assigned work location because of weather conditions, his/her absence may be compensated if he/she has sufficient compensatory time balance or, if none is available, a charge may be made against vacation balance or administrative leave balance, if requested by the employee. Such excused absence will alternatively be without pay. Unless the Executive Director or his/her designee determines otherwise, the Commission's offices will be closed for inclement weather (or on a delayed opening) only if, and to the extent that the State's offices are closed for inclement weather (or on a delayed opening).

INSUBORDINATION

In order to ensure the safe, efficient, and effective conduct of Commission business, employees are expected to follow and abide by superiors' instructions and orders. This is, of course, not intended to limit an employee's right to question an order which is unlawful or which violates Commission policies.

Insubordination can include behavior such as: when an employee challenges a superiors' authority, is disrespectful, defiant, uses obscene or objectionable language, or behaves in a threatening manner, the supervisor must take immediate action. If it's an emergent situation, the supervisor should immediately request another supervisor to resolve the matter. In all cases, the supervisor should submit a written report, through supervisory levels, with a recommendation as to the appropriate disciplinary measure.

INSURANCE BENEFITS

The Commission affords most of its employees with a number of insurance benefits. All of these are provided under contract or through a third party and can not be fully described here. The following is intended to highlight the benefits but should not be construed as a substitute for the policies and requirements of the specific insurance plan or program. Employees are encouraged to obtain additional information about these benefits from the Human Resources office and to consult with the office as the need arises.

SOCIAL SECURITY AND MEDICARE

The Commission and all of its employees contribute to the Social Security and Medicare program which provides a variety of retirement, disability, medical and death benefits.

GROUP TERM LIFE INSURANCE

All employees who are members of the Public Employees' Retirement System (PERS) are eligible to receive term life insurance. Enrollment in the life insurance program is normally automatic for PERS members and coverage will begin when the State Division of Pensions and Benefits receives the employee's pension application. However, the Division of Pensions and Benefits may require employees to demonstrate insurability in certain cases.

First Twelve Months of Enrollment

During their first 12 months of enrollment, employees will receive insurance coverage according to their reported and actual salary for the period of membership, up to a maximum of 3 times their salary.

State requirements provide that members must contribute to this insurance coverage during their first 12 months of enrollment.

Continuing Coverage Beyond the First Twelve Months

After 12 months of enrollment, employees may elect to discontinue that portion of their life insurance coverage for which a contribution is made.

If an employee withdraws from the contributory program, insurance coverage is reduced from 3 to 1 1/2 times the employee's reported salary during the employee's last year of service.

Employees are cautioned that once they elect to withdraw from the program, they may not elect to re enroll at a later date.

Taxable As An Employee Benefit

Tax laws require that life insurance benefits above certain amounts which are provided to employees are taxable. Business Services will compute the taxable amount according to a prescribed formula and will report this on employees W-2 forms. Employees may elect to waive the taxable portion of their non-contributory group life insurance to avoid the Federal and State tax liability.

Leaves Without Pay

PERS policies provide that life insurance coverage may be converted from the group policy to an individual policy or continued during certain leaves without pay; however, this entitlement is based upon the reasons for the leave.

Ending Your Employment or Retirement

PERS policies allow employees under certain circumstances an opportunity to convert their life insurance coverage from the group policy to an individual policy or continue their insurance upon retirement or when they otherwise end their PERS contributions.

HEALTH INSURANCE

The Commission offers a medical insurance plan including prescription drug coverage to its full time, continuing employees and part time, continuing employees who are scheduled to work 25 or more hours per week, along with their spouses and eligible dependents, through the New Jersey State Health Benefits Program. All employees participating in health insurance will contribute to their health insurance benefits in accordance with C.78 P.L. 2011.

The benefits described in the Personnel Policies are intended to summarize benefits provided to eligible employees. If there is a conflict between what is described in the Commission's Personnel Policies and the official Plan documents, the official Plan documents will control.

If an employee elects to waive health insurance, the employee shall receive a \$1,000 annual payment payable on the anniversary date that health insurance ended. Should employment end prior to the anniversary date, the final paycheck will include a pro-rated payment.

Open Enrollment Period

At least once a year, employees will be afforded an opportunity to change their health benefits plans. Employees who previously declined to enroll in a plan will also be afforded an opportunity to join at this time. Human Resources will notify you when these open enrollment periods occur.

Leaves Without Pay or Ending Your Employment

Health coverage is afforded for a short period after an employee goes on a leave without pay status or ends their employment with the Commission. However, health coverage may continue under Family Medical Leave Act of 1993 (FMLA) and/or the New Jersey Family Leave Act (FLA). Additionally, under the Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA), employees and their dependents may be eligible to continue their health insurance benefits at their own cost for a specified number of months (i.e. after FMLA or FLA ends, when he/she is no longer employed at the Commission, or when he/she is no longer eligible for benefits). When returning from a leave without pay, coverage will resume immediately.

Retirement

Retiring employees with 25 or more years in PERS, their dependents, and surviving spouses may be eligible to continue receiving paid health insurance. Employees hired on or after July 1, 2008 are required to have worked a minimum of seven (7) of those service years at the Pinelands Commission. These same benefits are extended to employees who retire on disability pensions with no requirements on the years of service.

DENTAL INSURANCE

The Commission offers dental insurance to its full time, continuing employees and part time, continuing employees who are scheduled to work 25 or more hours per week, along with their spouses and eligible dependents. These employees are responsible for 50% of the premium, which will be paid in advance through payroll deduction.

Additionally, the Commission offers dental insurance to its part time, continuing employees who are scheduled to work less than 25 hours per week, along with their spouses and eligible dependents. These employees are responsible for 100% of the premium, which will be paid in advance through payroll deduction. New employees are eligible to enroll the first of the month following sixty days of employment.

Open Enrollment Period

At least once a year, enrolled employees will be afforded an opportunity to make changes in dental benefits. Human Resources will notify you when these open enrollment periods occur. Employees who decline enrollment when first eligible, may have a waiting period imposed before enrollment.

Leaves Without Pay or Ending Your Employment

Dental coverage is afforded for a short period after an employee goes on a leave without pay status or ends their employment with the Commission. However, dental coverage may continue under Family Medical Leave Act of 1993 (FMLA) and/or the New Jersey Family Leave Act (FLA). Additionally, under the Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA), employees and their dependents may be eligible to continue their dental insurance benefits at their own cost for a specified number of months (i.e. after FMLA or FLA ends, when he/she is no longer employed at the Commission, or when he/she is no longer eligible for benefits).

The benefits described in the Personnel Policies are intended to summarize benefits provided to eligible employees. If there is a conflict between what is described in the Commission's Personnel Policies and the official Plan documents, the official Plan documents will control.

TEMPORARY DISABILITY INSURANCE

The Commission and its employees contribute toward the State's temporary disability insurance program.

If an employee becomes disabled outside of a job related injury or illness this insurance coverage will pay the employee a portion of his or her salary, after his or her earned sick leave is exhausted, for a period up to 26 consecutive weeks.

UNEMPLOYMENT INSURANCE

The Commission and its employees contribute toward the State's unemployment insurance program.

In the event you become unemployed, you may be eligible to receive unemployment insurance benefits for a portion of your salary for a certain period of time.

WORKERS' COMPENSATION

The Commission provides a workers' compensation policy for all of its employees. This policy provides a wide range of salary, death, medical, pension, and other benefits for employees with a job related illness or injury. Human Resources and Business Services must be immediately notified of any job related illness or injury (whether or not it is slight or

severe) in order to provide specific details to the affected employee and the workers compensation insurance carrier.

Employees may not return to work without a certification from the attending physician that he/she is capable of returning to work. The certification must note any work limitations.

LEAVE

The Commission provides to most of its employees yearly allowances for paid vacation leave, sick leave, and administrative leave. Employees are responsible for noting their absences on the GroupWise calendar. The following policies describe how these allowances should be used by employees.

Other types of paid leave, such as bereavement leave, military leave, absent with pay leave, jury duty, leave bank, and participation in civic activities or in emergency medical/fire fighting services, may be granted to employees under special circumstances but are not allocated on a yearly basis.

Employees who satisfy the eligibility requirements are entitled to leave under the Family Medical Leave Act and/or the Family Leave Act. These Acts are discussed later in this **LEAVE** policy.

Lastly, the Executive Director may grant employees a leave without pay under certain circumstances.

These leave policies form an important part of the Commission's employee benefit program and employees are encouraged to review them carefully.

Failure to abide by any provisions of this policy could lead to progressive disciplinary action. Although the Commission will cooperate with employees to the maximum extent feasible, habitual absenteeism or unexcused absences may be cause for discipline up to and including termination of employment if the absences substantially disrupt Commission business and alternative arrangements for completing the business are impractical.

VACATION LEAVE

The Commission provides paid vacation leave to most of its employees in recognition of services performed and to provide them with periods for rest and recreation.

Use of Vacation Leave

Employees should schedule vacations in advance to ensure that their leave requests can be approved. Unless extenuating circumstances exist, new employees should not request vacation leave during their first six months of employment. Please remember that supervisors must ensure that absences from the office don't unduly disrupt Commission business, and advance requests will allow them more time to make appropriate adjustments

in work schedules. Changes in the scheduling of vacations will not be permitted without the prior approval of the supervisor.

There may also be occasions when more than one employee requests leave for the same period of time. If the supervisor determines that work schedules will not accommodate all of these absences, the supervisor shall approve leave for the employee(s) on the basis of length of service with the Commission.

When advance approval is not possible, employees are expected to inform their supervisors at the earliest possible time. If the supervisors are unavailable, the employee shall leave a message with the receptionist. Please remember, however, that the supervisor may consider such an event to be an unexcused absence unless extenuating circumstances exist.

Although it's anticipated that employees will schedule vacation leave in large blocks of time, leave will be charged in 30 minute increments.

Earning Vacation Leave

All full time, continuing employees earn vacation leave in 30 minute increments according to the following schedule. Part time, continuing employees who are scheduled to work 25 or more hours per week earn vacation leave on a proportionate basis.

<u>Years of Commission Service</u>	<u>Number of Vacations Days Each Year</u>
0 through 5 years	12 days a year (84 hours)
6 through 12 years	15 days a year (105 hours)
13 through 20 years	20 days a year (140 hours)
21 plus years	25 days a year (175 hours)

In an effort to attract the most qualified candidate during recruitment or to acknowledge past governmental experience, the Executive Director, with the concurrence of the Personnel and Budget Committee Chairperson, can approve a higher level of vacation leave earning.

Employees do not earn vacation leave for any overtime or while on a leave without pay status.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than 25 hours per week are not eligible for paid vacation leave.

Vacation leave will be advanced at the beginning of each calendar year or on a proportionate basis when an employee begins his or her employment. Until employees earn that leave, it will be considered to be advanced and unearned. Moreover, new employees will not vest in any earned vacation leave until after six consecutive months of employment.

Vacation leave earned but not used may be accumulated provided that no more than 30 days are carried over from one year to the next. In exceptional circumstances where business

obligations prevent an employee from taking a vacation, the Executive Director may approve an additional carry over. Any excess leave which is approved to be carried over must be used within three months.

Ending Your Employment

Under most circumstances, employees who leave the employ of the Commission will receive a lump sum payment for any earned but unused vacation leave. The exceptions are employees who haven't yet vested in this leave, employees who are dismissed for gross misconduct, and employees who resign without at least two weeks notice. The rate of vacation pay shall be the employee's regular straight time rate of pay in effect for the employee's regular job.

If extraordinary circumstances beyond the control of an employee prevent that employee from providing advance notice of a resignation, the Executive Director may grant an exception to this policy and approve a lump sum payment for earned vacation leave.

In the event employment is ended before an employee vests in vacation leave, the employee is required to reimburse the Commission for any vacation leave used. Reimbursement is also required if an employee has used any unearned vacation leave advanced in the beginning of the calendar year. Normally, these adjustments will be made to the employee's final paycheck.

SICK LEAVE

Although regular attendance is important for an efficient and effective operation, the Commission provides most of its employees protection against loss of income for absence from work due to bonafide illnesses, injuries, disabilities, exposures to a contagious disease and other related circumstances.

In addition to paid sick leave, the Commission provides disability insurance (refer to **INSURANCE BENEFITS**) to partially compensate employees for lost wages during an extended illness. Since unused sick leave can be carried over from year to year and guarantees that employees are retained in a full pay status during a period of frequent or prolonged illnesses, employees are encouraged to consider sick leave as insurance against these more serious conditions.

Use of Sick Leave

Whenever an employee uses sick leave, he or she is expected to inform his or her supervisors at the earliest possible time, but no later than one hour prior to the start of the work day, or a reasonable time in the case of an emergency. The supervisor will notify employees of one specified phone number to call when an employee calls out. Subsequent to this notification under this paragraph, the employee reporting sick leave must notify the supervisor of: personal certification of the need for a sick day, the telephone number where the employee may be contacted during sick leave, and the expected duration of the sick leave, if known. If the supervisors are unavailable, the employee shall leave a message with the receptionist.

Supervisors are responsible for noting the absence on the GroupWise Calendar. The Human Resources Specialist shall have the right to contact the employee to ascertain the nature of the illness and follow up as necessary.

A supervisor may telephone or visit an employee on sick leave or Worker's Compensation/Sick Leave Injury at his/her residence or place of confinement during the scheduled workday(s).

When under medical care during sick leave, employees are expected to conform to the instructions of the attending physician if they wish to qualify for salary payment during such period of illness or disability. No employee shall be allowed to work who endangers the health and well-being of other employees and, if the employee's condition warrants, the employee may be directed to a physician selected by the Commission for an opinion as to fitness for duty. Sick leave with pay shall not be allowed while on sick leave under the following conditions:

- When the employee under medical care while on sick leave fails to carry out the orders of the attending physician.
- When, in the opinion of a physician hired by the Commission, the disability or illness is not of sufficient severity to justify the employee's absence from duty after being examined by a third doctor. The Executive Director reserves the right, in such cases where there is a difference of professional opinion between the physician hired by the Commission and the employee's personal physician, to require the employee to submit to an examination by a third doctor. The third doctor shall be hired by the Commission.
- When the employee does not report to a physician hired by the Commission, as directed.

Other than sick leave used for bereavement purposes, if an employee is absent for reasons that entitle the employee to sick leave or is on Workers' Compensation or Sick Leave Injury because of an injury sustained during his/her employment, the employee shall remain at his/her place of confinement during the period in which he/she is scheduled for work on the day(s) in question unless: reporting for medical attention to a doctor's office or hospital, engage in the exercise of his/her right to vote or to attend religious services, and/or if an emergency necessitates his/her absence.

Sick leave will be charged in 30 minute increments for any illness or injury which prevents an employee from carrying out his or her normal duties.

In cases where an employee is medically restricted from some but not all normal duties, his or her Program Director or Division Manager will determine whether responsibilities can be temporarily rearranged so as to permit the employee to return or stay at work.

Sick leave may also be used when an employee is required to schedule a medical appointment, tests, or a related matter during normal business hours. Employees are encouraged to avoid this whenever possible so that their leave remains available to cover an illness or injury and to schedule such appointments to minimize time out of the office.

If an employee is required to attend to an ill or injured member of the immediate family (defined as spouse, civil union partner, domestic partner under the law, father, mother, stepmother, stepfather, stepchild, mother-in-law, father-in-law, grandfather, grandmother, grandchild, sister, brother, son, daughter, foster child, or other child under legal guardianship) or another relative permanently residing in the employee's home, sick leave may be used. If the use of sick leave satisfies the criteria under the Family Medical Leave Act and/or the Family Leave Act, it can be designated as Family Leave under one or both of the Acts.

Once an employee exhausts his/her sick leave, the employee must use vacation and/or administrative leave. Once such leave is exhausted there is no entitlement to leave without pay.

The use of sick leave in association with bereavement is discussed later in the **LEAVE** section.

Sick leave may not be used for any purpose other than those described above.

Sick leave shall not be charged when a scheduled holiday occurs during the sick leave.

Medical Certification

The Commission values the health of its employees and fully expects that the average use of sick leave for other than extraordinary circumstances will not exceed three to five days per year. Since absences beyond this may be indicative of a chronic or serious problem and may also affect the health of other employees, a medical certification will be required when a sick leave absence exceeds four (4) consecutive work days. The medical certification must state when the employee is able to return to work and if there are any work limitations. The certification must be presented to the Human Resources Specialist or the Executive Assistant to the Executive Director before the employee can report for duty. During protracted periods of illness or disability of an employee, the Human Resources Specialist may require interim reports on the condition of the patient from the attending physician and/or a physician hired by Commission. The Executive Director may waive the certification requirement due to special circumstances. Medical certifications may also be required by an employee's supervisor in the event of other special circumstances.

An employee who has been absent on sick leave for periods totaling more than fifteen (15) days in any calendar year, consisting of multiple periods of less than five (5) days, shall have his/her sick leave record reviewed by the Executive Director or his/her designee. If sick leave abuse is substantiated (except those cases where the employee is entitled to FMLA leave), the employee shall be required to submit acceptable medical evidence for any

additional sick leave in that year. In cases where an illness is of a chronic or recurring nature causing recurring absences of one (1) day or less, only one (1) submission of such proof shall be necessary for a period of six (6) months.

Job Related Illness or Injury

A short term absence from work caused by an injury or illness arising out of or caused by an employee's employment with the Commission will be considered Sick Leave Injury with full pay and shall not be charged against an employee's earned sick leave. Salary benefits for a longer absence from work due to a job related illness or injury will be covered by the Commission's workers' compensation insurance. Human Resources and Business Services must be immediately notified of any job related illness or injury (whether it is slight or severe) in order to provide specific details to the affected employee and the workers compensation insurance carrier. See section on WORKERS' COMPENSATION insurance.

Employees may not return to work without a certification from the attending physician that he/she is capable of returning to work. The certification must note any work limitations. Employees returning from an authorized leave of absence as set forth above will be restored to their original job classification and shift at the then appropriate rate of pay with no loss of seniority or other employee rights, privileges or benefits.

Earning Sick Leave

All full time, continuing employees earn sick leave in 30 minute increments, at a rate of 12 days (84 hours) each year effective July 1, 2014. Part time, continuing employees who are scheduled to work 25 or more hours per week earn sick leave on a proportionate basis. Employees do not earn sick leave for any overtime or while on a leave without pay status.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than 25 hours per week are not eligible for paid sick leave.

Sick leave will be advanced at the beginning of each calendar year or on a proportionate basis when an employee begins his or her employment. Until employees earn that leave, it will be considered to be advanced and unearned. Moreover, new employees will not vest in any earned sick leave until after six consecutive months of employment.

All sick leave earned but not used will be accumulated without limitation so that employees can build a personal sick leave account as insurance against a serious illness or injury.

An employee who is absent due to illness or injury and who does not have any accumulated sick leave may be placed on a leave without pay status. Employees should be aware that leaves without pay may affect other paid leave allowances, the timing of performance reviews, the merit increase amount and insurance benefits. More on these implications is contained in the sections on LEAVES WITHOUT PAY, **PERFORMANCE EVALUATIONS**, and **INSURANCE BENEFITS**.

Ending Your Employment or Retirement

Any employee who retires from the Commission and is eligible to immediately draw a pension shall receive a lump sum payment for one half of all earned but unused sick leave based upon his or her average salary for the last twelve months, up to a maximum of \$15,000. Employees whose employment is ended for any other reason do not receive a payment for earned but unused sick leave.

In the event employment is ended before an employee vests in sick leave, the employee is required to reimburse the Commission for any sick leave used. Reimbursement is also required if an employee has used any unearned sick leave advanced in the beginning of the calendar year. Normally, these adjustments will be made to the employee's final paycheck.

DISABILITY

When an employee is unable to perform normal duties because of a disability, the employee is entitled to use sick and other earned leave for the absence. A medical certification and the treating physician's estimate of the duration of the disability are required.

Using Leave

Employees may elect to use earned sick, vacation, administrative or compensatory time during the disability period to ensure that they're carried in a full pay status. However, they may also elect to be placed on a leave without pay status instead of using earned leave. In most cases, this leave, whether paid or unpaid, will be covered under the Family Medical Leave Act and will be designated as such. Employees should be aware that eligibility for temporary disability insurance payments doesn't begin until all earned sick leave has been exhausted. Employees should also be aware that leaves without pay may affect other paid leave allowances, the timing of performance reviews, the merit increase amount, and insurance benefits. More on these implications is contained in the sections on LEAVES WITHOUT PAY, **PERFORMANCE EVALUATIONS**, and **INSURANCE BENEFITS**.

DONATED SICK LEAVE PROGRAM

Under the Donated Sick Leave Program employees who have a catastrophic health condition or injury or whose immediate family members have a catastrophic health condition or injury may be eligible to receive additional leave that is voluntarily donated by other employees. The Executive Director is authorized to establish guidelines and procedures for participation consistent with the New Jersey Administrative Code 4A:6-1.22.

ADMINISTRATIVE LEAVE

Recognizing that employees may be periodically faced with personal emergencies, may wish to observe religious holidays, or may have personal business to attend to during business hours, the Commission grants most of its employees paid administrative leave.

Use of Administrative Leave

Whenever an employee uses administrative leave, advance approval should be obtained unless an emergency exists. In cases of emergency where advance approval is not obtained, employees are expected to inform their supervisors at the earliest possible time. If the supervisors are not available, the employee shall leave a message with the receptionist.

As is the case with sick leave and vacation leave, administrative leave will be charged in 30 minute increments.

Earning Administrative Leave

All full time, continuing employees earn administrative leave in 30 minute increments, at a rate of 3 days (21 hours) each year. Part time, continuing employees who are scheduled to work 25 or more hours per week earn administrative leave on a proportionate basis. Employees do not earn administrative leave for any overtime or while on a leave without pay status.

Seasonal employees (full time and part time) and part time, continuing employees who are scheduled to work less than 25 hours per week are not eligible for paid administrative leave. Administrative leave will be advanced at the beginning of each calendar year or on a proportionate basis when an employee begins his or her employment. Until employees earn that leave, it will be considered to be advanced and unearned. Moreover, new employees will not vest in any earned administrative leave until after six consecutive months of employment.

Unless the Executive Director grants special dispensation for new employees who've begun their employment within six months of the end of a calendar year, administrative leave must be used in the calendar year in which it's earned and may not be carried over to the next calendar year.

Ending Your Employment

Employees do not receive payment for any earned but unused administrative leave when their employment is ended.

In the event employment is ended before an employee vests in administrative leave, the employee is required to reimburse the Commission for any administrative leave used. Reimbursement is also required if an employee has used any unearned administrative leave advanced in the beginning of the calendar year. Normally, these adjustments will be made to the employee's final paycheck.

BEREAVEMENT LEAVE

When an employee experiences a death in his or her immediate family (defined as spouse, civil union, domestic partner under the law, father, mother, stepfather, stepmother, sister, brother, son, daughter, stepchild, or minor child under legal guardianship), he or she will be

permitted 2 days (14 hours) of paid bereavement leave. Employees will be permitted one day (7 hours) of bereavement leave in the event of death of the following family members: grandparent, grandchild, sister-in-law, brother-in-law, non-minor child under legal guardianship. Reasonable verification of the event may be required by the Commission. When the employee has exhausted the bereavement leave, a reasonable period of absence from work may be charged against administrative leave and then sick leave, respectively. In addition, when an employee experiences a death of a different family member, such as mother-in-law, father-in-law, foster child, or another relative permanently residing in the employee's home, a reasonable period of absence from work may be charged against administrative leave and then sick leave, respectively.

MILITARY LEAVE

The Commission will abide by all applicable Federal and State laws in granting military leave. Please see the Human Resources Specialist for more information.

ABSENT WITH PAY LEAVE

Absent with pay leave is a special type of paid leave which the Executive Director may grant because of special or extenuating circumstances.

As specified elsewhere in this manual, absent with pay leave may be granted due to inclement weather and adverse working conditions, in association with an employee's educational endeavor, because of jury duty, to participate in civic activities, emergency medical or fire fighting services, when an exempt employee has been required to work particularly unusual hours or excessive periods of time, or in recognition of an exceptional sick leave record.

JURY DUTY

The Commission recognizes the obligation of all citizens to perform jury duty. Absent with pay leave will be provided to all continuing employees (full time and part time) when required to perform jury duty that conflicts with their scheduled working hours. Seasonal employees shall be granted a leave without pay to attend jury duty. Each employee called to jury duty must notify his/her supervisor at least 2 weeks prior to jury service or within one business day of receipt of the notice for jury service if the notice is not provided two weeks in advance.

A copy of the summons should be given to Human Resources. The employee should report to Human Resources to discuss administrative matters relative to the absent with pay leave for jury duty. Since the employee will receive his/her regular pay while attending jury duty, any monetary consideration for such attendance which is received by the employee is to be reimbursed to the Commission. When jury service is completed prior to 12:00 noon, the employee is required to report to work. The provisions of this policy do not apply when an employee voluntarily seeks jury service.

Upon completion of jury duty the employee will provide written verification of attendance to Human Resources.

PARTICIPATION IN CIVIC ACTIVITIES

The Commission, as a public entity, is fully aware of the value of citizen involvement in civic activities and encourages its employees to become active in governmental and nonprofit organizational efforts which promote the public good. Employees may participate in such endeavors provided such participation does not give rise to a conflict of interest or create an appearance of impropriety and provided the employee completes an outside activity questionnaire and obtains prior approval from the Ethics Liaison Officer. Upon the sole discretion of the Executive Director, employees may be granted absent with pay leave to participate in such endeavors when (s)he determines that the employee's involvement poses no conflict with the Commission's mission, the duties of the employee, or the Commission's Code of Ethics and, where the time requested does not interfere with the employee's ability to complete assigned responsibilities.

PARTICIPATION IN EMERGENCY MEDICAL OR FIRE FIGHTING SERVICES

The Commission recognizes that some employees may be members of a local volunteer first aid squad and/or fire company. Upon approval of the Executive Director, supervisors can be authorized to provide absent with pay leave for individual incidents. In the event of a local emergency while that employee is at work and it becomes necessary for that employee to provide emergency volunteer assistance, the employee must receive approval from his or her supervisor before departing. If the supervisor is not available, permission must be obtained from the Executive Director, Program Director, or Division Manager.

A written report of the incident must be prepared and submitted with the employee's bi-weekly timesheet. The time should be documented as absent with pay leave on the timesheet.

LEAVES WITHOUT PAY

Employees who meet the eligibility criteria are entitled to a leave without pay under the Family Medical Leave Act of 1993 (FMLA) and/or the New Jersey Family Leave Act (FLA).

For leave not covered by the FMLA and/or the FLA, the Executive Director may grant an employee a leave without pay, not to exceed 45 days, in unusual or extenuating circumstances. These circumstances generally include extended illnesses or disabilities, child care, marriage, and initial entry training for military service but may also include other special situations relative to an employee's personal circumstances, education, and other similar occurrences.

Approval of a Leave Without Pay

Employees must request, in writing, approval of the leave without pay. These requests must indicate the reason for the leave, its estimated duration but no longer than 45 days, and the expected dates which the leave will begin and end.

Requests shall be forwarded for approval to the Executive Director through the employee's supervisors and the Human Resources Specialist. For leave not covered by the FMLA and/or the FLA, the Executive Director's decision will be based upon the absence's effect on Commission operations and business from an office wide standpoint. A decision in one case shall not establish a precedent in another. The approval of any request for an extension of time shall be at the Commission's discretion.

Employees are encouraged to submit these requests well in advance since management's ability to make alternative staffing arrangements ahead of time may influence whether or not the request is approved.

Implications of Leaves Without Pay

Such leave of absence shall not be part of the term of employment. Employees shall not earn vacation, administrative, sick leave or holiday pay while on a leave without pay status.

There may also be distinct implications on insurance benefits, the timing of performance evaluations and any salary increase amount. Employees are urged to review the appropriate sections in this manual and discuss them with Human Resources beforehand.

FAMILY / MEDICAL LEAVE

Pursuant to the Family Medical Leave Act of 1993 (FMLA) and/or the New Jersey Family Leave Act (FLA), an employee may be eligible to be provided a leave of absence to fulfill family obligations relating to events such as, 1) the birth, placement or adoption of a child, 2) the care of certain members of an employee's family with a serious health condition, or 3) a serious health condition that makes the employee unable to perform the functions of his or her job. This leave may be taken intermittently or on a reduced leave schedule basis. Leaves under FMLA and FLA will run concurrently, unless otherwise provided by law. In addition, there is a military leave component under FMLA for the care of an employee's spouse, child, or parent in the military.

These Acts provide to the employee the continuation of health benefits during the leave period as well as reinstatement to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the Commission cannot guarantee that an employee will be returned to his or her original job when the leave ends. The Commission will determine whether a position is an "equivalent position."

Employees must continue to pay their share of health and dental insurance while on FMLA and/or FLA. During periods of unpaid leave, the employee must arrange with Business Services, prior to taking leave, for payment of the employee's share of the insurance.

Unless the Commission grants an extension, an employee who fails to return to work upon the expiration of FMLA and/or FLA will be subject to termination. Upon exhaustion of the FMLA and/or FLA leave, employees will lose their health and dental insurance coverage and may be required to reimburse the Commission for its share of health and dental insurance paid on the employee's behalf during the leave.

If an employee's need for a leave is foreseeable, a Request for Family Leave form should be completed and given to the Human Resources Specialist at least 30 days in advance. If the leave is not foreseeable, the employee must submit a Request for Family Leave at the earliest possible time. The Request for Family Leave form provides the Commission with, among other things, notice that leave will be taken, the amount of leave to be taken and the reason for the leave. In addition, if the leave involves an illness, the employee shall be required to submit a written Certification of Health Care Provider.

The Commission may require subsequent recertification on a reasonable basis. Failure to provide any certification is grounds for denial of the leave. If the Commission has doubt as to the validity of the certification provided, the Commission may require that the employee obtain a second opinion from a health care provider hired by Commission. If the second opinion differs from the first, a third mutually agreeable health care provider shall be selected, whose opinion shall be binding.

As stated in the SICK LEAVE policy, employees may use earned leave during a family/medical leave. If earned leave is not used during any or all of the period of family/medical leave, the employee will be considered to be on a leave without pay. Employees are encouraged to review the section entitled Implications of Leaves Without Pay.

It is advisable for the employee to confer with Business Services to obtain details of the FMLA and the FLA and to be informed of the other implications associated with a family leave.

UNPAID UNION DAYS

The Commission shall provide a total of four (4) unpaid days per year to be utilized by all

bargaining units to attend conferences, meetings, conventions and training programs. The Union will provide three (3) days advance notice to the Commission.

FURLOUGHS

If furloughs are instituted, furlough days may be taken in full days (7 hours) or half days (3.5 hours). Except for office-wide furlough dates, furlough days will be scheduled by the employee with the prior approval of his/her supervisor. Upon approval, the supervisor must notify Human Resources in writing when the furlough day will be taken to ensure the accuracy of the employee's paid wages. Once approved, furlough days may not be changed unless the Executive Director determines that an extraordinary circumstance exists.

An employee's wages can be reduced for untaken furlough days.

An employee's term of employment and leave earning status will not be interrupted due to the use of furlough days.

There will be no loss of pension benefits due to furloughs.

LEAVE BANK

There may be instances when employees receive leave bank time. Leave bank time is not automatically earned each year. Employees need advance approval from their supervisor prior to using accrued leave bank time. Leave bank time can be used in 30 minute increments. Prior to 2015, leave bank time accrued but not used may be accumulated and will be carried over from one year to the next. Employees will receive a lump sum payment for any accrued but unused leave bank time when employment ends or when an employee retires. As of May 30, 2015, all employees shall receive seven (7) Paid Leave Bank Days. These Paid Leave Bank Days must be used by January 1, 2016. Any Paid Leave Bank Days that remain unused after January 1, 2016 will expire.

LYME DISEASE

Employees whose normal work assignments require that they periodically make trips to the field may be exposed to ticks which carry Lyme disease. Any employee who has been bitten by a tick and/or experiences the symptoms of Lyme disease (flu like symptoms, stiff joints, etc.) should notify Human Resources in writing as soon as possible. The employee will be directed to be tested for Lyme disease. Any costs of the testing not covered by insurance will be borne by the Commission.

MEAL ALLOWANCES

This policy does not apply to meal reimbursement associated with overnight or out of state travel. Please refer to the **TRAVEL EXPENSES** policy in those circumstances.

Exempt employees are entitled to the following meal allowances, unless he/she is approved for an irregular schedule, in which case, the employee should speak to Human Resources. Employees can not receive a meal allowance and be otherwise compensated (as either cash or compensatory time) for the same period of time.

- o Dinner when required to attend an evening meeting, either on or off the Commission premises, in addition to performing the normal 7 (seven) hour working day.
- o Dinner when required to work 4 (four) or more hours at the Commission's office or another approved work site past his/her normal ending time in addition to performing the normal 7 (seven) hour working day.

- o Breakfast when required to travel at least 1 (one) hour prior to his/her normal departure time from home due to a scheduled business commitment in addition to performing the normal 7 (seven) hour working day.
- o An employee who is required to report to an approved worksite on a holiday or weekend in excess of 4 (four) consecutive hours will be entitled to the corresponding meal. The lower meal allowance will prevail if there is a question as to which meal allowance applies for the hours worked.

The following are the rates for meal allowances:

Breakfast	- \$ 5.00
Lunch	- \$ 6.50
Dinner	- \$13.50

Non-exempt or exempt part time employees will be reimbursed for the actual reasonable cost of meals which they are required to attend while in a working status.

The allowance can be obtained by completion of a travel expense voucher or through the petty cash fund. The employee's Biweekly Timesheet must show additional hours for the day in which the meal allowance was granted.

NEPOTISM

Because of an appearance of impropriety, the hiring of an employee's relative (e.g. spouse, parent, spouse's parent, child, sister, brother, aunt, uncle, niece, nephew, grandparent, grandchild, foster child, or child under legal guardianship, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother or half sister, whether the relative is related to the employee or the employee's spouse by blood, marriage or adoption) cohabitant or someone whom the employee is dating should be avoided.

Any exception to this policy must be approved by the Commission's Ethics Liaison Officer and the Executive Director and will be considered only when neither the employee nor the prospective employee exercises direct or indirect authority, supervision or control of each other and neither will occupy a position which has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations. If one employee marries another, both may retain their employment if one does not directly or indirectly have authority, supervision or control over the other, and neither occupies a position which has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations.

In addition, in accordance with the requirements of N.J.S.A. 52:14-7.1, the Commission shall not employ a relative of a Commission member.

Additionally, supervisory employees shall complete a Supervisory Conflicts of Interest Certification and provide same to the Commission's Ethics Liaison Officer. Such certification shall be updated whenever a new employee is hired into a particular supervisor's

control or under his/her supervision or there is a change in the employees under a specific supervisor's direct or indirect authority or control.

ORIENTATION

An orientation program is afforded to all new employees as a means to familiarize them with the Commission's goals and objectives, its organization, and the operations of the various offices.

When starting your employment with the Commission, please make sure you discuss the details of the orientation program with Human Resources and your supervisor.

OUTSIDE ACTIVITIES AND EMPLOYMENT

Employees will not be permitted to engage in outside employment, service or activities whether compensated or not that conflict with their responsibilities to the Commission and/or which is inconsistent with the requirements of the Uniform Code of Ethics; any supplemental code adopted by the Commission and approved by the State Ethics Commission; the New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq.; the regulations, standards, guidelines, opinions and decisions of the State Ethics Commission; and any Gubernatorial Executive Orders addressing ethics.

Employees will be permitted to engage in outside employment, service or other activities only if it does not constitute a conflict of interest, and does not constitute the same type of work as he or she performs for the Commission when such work for the Commission involves substantial public policy issues. However, the employee recognizes that his/her primary employment responsibility is to the Commission and he/she will therefore be available following his/her normal work schedule, upon reasonable notice by the Commission, if he/she is called back to perform service on an emergency basis at hours other than during the normal work schedule.

Employees will advise the Program Director/Division Manager or his/her designee of the location and times of such outside employment and shall complete an outside activity questionnaire and obtain prior approval for such outside employment from his/her supervisor(s), the Ethics Liaison Officer and the Executive Director. Such outside employment is subject to approval at the discretion of the Executive Director.

Employees can not use Commission work time, personnel, equipment or resources for any outside activities, political activities, or outside employment.

ATTENDANCE AT EVENTS, SPEAKING ENGAGEMENTS AND PUBLICATIONS

Although employees are encouraged to accept professional speaking engagements and contribute articles for professional publications, care must be exercised so that participation in such events do not present an appearance of impropriety. Employees shall not accept compensation for published works created as part of his/her official duties on Commission time utilizing Commission resources, but may accept compensation for published work(s) not

created as part of his/her official duties. Prior approval must be obtained from the Executive Director and the Ethics Liaison Officer to accept compensation for published work(s) not created as part of his/her official duties.

If an employee wishes to accept a speaking engagement, prepare an article, for publication, or attend an event that he/she is invited to because of his/her official position, prior written approval by the Ethics Liaison must be obtained to ensure that an employee does not unknowingly violate the Uniform Code of Ethics, Commission's outside employment and activities policies, or any supplemental ethics code adopted by the Commission.

OVERTIME

There will be occasions when Commission business will dictate that employees work overtime.

Management will make every effort to solicit employees on a voluntary basis to work overtime. However, when no one can be found to volunteer for overtime or when the operational needs of the Commission so dictate, supervisory and management staff are authorized to direct employees to work overtime.

No overtime pay or compensatory time is earned for union related activities.

EXEMPT AND NON-EXEMPT EMPLOYEES

For purposes of determining eligibility for earning overtime or compensatory time, all positions will be classified as exempt or non exempt. Classifications are designated in accordance with the Fair Labor Standards Act and are designated on the position description for each job level and on the Employment Authorization for each employee.

OVERTIME PAY AND COMPENSATORY TIME FOR NON EXEMPT EMPLOYEES

Overtime pay or compensatory time shall be granted to employees occupying non-exempt positions for work performed beyond the 35 hour workweek as follows:

- For the 35th hour through the 40th hour - compensatory time off or cash compensation on an hour for hour basis. This work will be kept to a minimum and must have the prior approval of the employee's supervisor. The decision as to whether compensatory time or payment will be granted is to be determined by the employee's supervisor based upon the compensatory time earned to date, time remaining in the calendar year to use the compensatory time, and the workload of the employee's section.
- Above 40 hours - cash compensation at the rate of 1 1/2 times the hourly proration of the employee's salary. Work performed beyond 40 hours in any workweek must have prior approval of the employee's supervisor and Program Director or Division

Manager which includes a signed Record of Work Performed in Excess of Regular Hours form.

When an employee is required to work hours outside of the employee's normal work day or work week the Commission will not avoid paying overtime by changing the employee's hours of work within the work day or work week that such hours were worked. There have been and will continue to be occasions when an employee is needed to work outside the normal workweek (on weekends or at nights). Thus, the Executive Director is authorized to approve, upon request of the employee's supervisor(s), an irregular schedule for an employee who is affected by this type of working situation in order to fit the Commission needs. Employees must use all compensatory time by the end of the calendar year in which it is earned unless the Executive Director determines that it can not be used due to workload, in which case it shall be carried forward to the next calendar year and be used within three months.

There is no guarantee of overtime hours beyond the normal workweek.

Approved leave (vacation, sick, administrative, and leave bank) and paid holidays will be counted as hours worked in the calculation of overtime.

EXEMPT EMPLOYEES

Salaried employees occupying exempt positions do not qualify for compensatory time or overtime pay for work beyond their normal workweek.

However, the Executive Director may, at his/her discretion, grant an exempt employee absent with pay leave or flexible work patterns in cases where an employee has been required to work particularly unusual hours or excessive periods of time.

An employee occupying an exempt position who is hired on a pay per hour basis shall be compensated for actual hours worked at the straight hourly rate. However, prior approval of the employee's supervisor is required for all time to be worked beyond that for which the employee is scheduled.

ESSENTIAL EMPLOYEES

There will be occasions when circumstances dictate that certain employees report to work or stay at work to fulfill the responsibilities of their job positions. This may occur when the rest of the staff is not required to be in the office. Employees who are required to work during these occasions because of the essential nature of their positions are not eligible for additional leave, except as provided for in the Overtime policy. The employee's supervisor, Executive Director, or Business Services Manager will direct the employee to come into or stay at work. For instance, there may be a delayed opening of the Commission offices during a snow storm. However, certain positions will still be required to report to work in order to remove the snow and ensure that Commission offices are safe. Other examples include, but are not limited to, inclement weather, early dismissal, Commission office emergencies, facility management, State shutdowns and state of emergencies.

Employees in positions that are required to work will be notified that their positions are considered “essential.” A signed acknowledgement will be filed in his/her personnel file. Other staff members will be notified if circumstances arise that dictate that their position is essential by the Executive Director or appointed designee in his/her absence.

Employees whose positions are deemed to be essential should contact Human Resources to inquire if they are an exempt or non-exempt employee. Exempt employees, in accordance with the Fair Labor Standards Act, are not eligible for compensated overtime.

The following applies to non-exempt employees, who are eligible for compensated overtime:

- When possible, the employee’s work day will be adjusted and he or she will still work 7 (seven) hours with a 1 (one) hour lunch break. The starting hour will begin when his/her “normal” schedule is adjusted and will end 8 (eight) hours later. For example, the normal work schedule of the employee is from 8 a.m. to 4 p.m. As directed by his/her supervisor, the employee reported to work at 6:30 a.m. so the work day would end at 2:30 p.m.
- If a work day adjustment is not possible or the needs of the Commission dictate otherwise, compensatory and overtime will be granted in accordance with these personnel policies for any work performed beyond a regular 35 hour workweek. Prior approval will be given by the Supervisor and/or Program Director or Division Manager, unless an emergency situation exists.

Timesheets shall be coded in CATS to accurately reflect the work performed. An essential employee who is required to work shall not be entitled to absent with pay leave as described in the **INCLEMENT WEATHER OR ADVERSE WORKING CONDIDITONS** policy.

PARKING

Due to limited space and the need to provide visitors with access to the Commission's office, parking plan has been established which designates certain areas for the parking of employee vehicles. Details of the parking plan will be provided by Business Services.

PARTICIPATION IN PROFESSIONAL ASSOCIATIONS AND ATAINMENT OF PROFESSIONAL LICENSES

The Commission encourages its employees to participate in professional associations and attain professional licenses to further career development.

MEMBERSHIPS IN ASSOCIATIONS

Employees are encouraged to apply for membership and take an active interest in professional associations. Time spent in such activities should normally be outside of the employee’s working hours, and will not be considered hours worked for pay purposes. However, time spent participating in professional associations at the Commission's request or

Under its direction or control shall be considered official business.

If the Commission is not able to be an agency member of a professional organization, membership in such an organization would have a benefit to the Commission, and funds permit, the Commission may reimburse employees for their annual membership fee. Reimbursement will be subject to the prior approval of the Executive Director and is limited to two professional memberships for management employees and one professional membership for other employees.

ARTICLES AND PAPERS

Employees are encouraged to contribute articles, present papers, or give talks to professional associations. Prior approval must be obtained from the Ethics Liaison Officer and the Executive Director and all activities, fees, etc. must be handled in a manner consistent with the **OUTSIDE ACTIVITIES AND EMPLOYMENT** policies.

LICENSES

When an applicable professional license or certification is a condition of employment, or where such is of direct benefit to the Commission as determined by the Executive Director, and funds permit, the Commission will reimburse employees for the cost of the annual license or certification renewal.

PAY PROCEDURES

PAYDAY

The Commission pays its employees on a biweekly basis. Payday is the Thursday following the Friday that ends the previous two week pay period. If a holiday falls on the regular payday employees will be paid on the preceding workday. Paychecks may not be prepared outside of the normal payroll process. If an employee chooses not to elect direct deposit, his/her paycheck may be delayed one day due to check signing schedules.

Overtime pay, if applicable, will be paid on a timely basis provided the approved biweekly timesheet has been submitted. Salary adjustments will be paid on a timely basis after final approval (including Personnel and Budget Committee review as appropriate) and shall reflect any retroactive payments if applicable.

PAYROLL DEDUCTIONS

By law, the Commission is required to deduct, when applicable, federal withholding tax, state withholding tax, contributions for social security and medicare, state unemployment and disability insurance, pension, life insurance, and garnishments. Other deductions can include health insurance premiums, dental insurance premiums, pension loan repayments, pension purchases, union dues or representation fees, or any deduction authorized by the employee and approved by the Executive Director.

DIRECT DEPOSIT

Employees may elect direct deposit of their pay. Applications for participation are available in Business Services. Direct deposit is a privilege offered to employees, which can be revoked if the employee fails to abide by the Commission's Personnel Policies. This revocation, recommended by the Business Services Manager, requires the approval of the Executive Director.

TAXABLE FRINGE BENEFITS

By law, the Commission is required to report as compensation certain fringe benefits provided to employees. Details can be obtained from Business Services.

FINAL PAYCHECK

An employee's final paycheck will normally be issued at the same time as the regular payroll. Employees are encouraged to consult with Business Services during their exit interviews to make arrangements for ending direct deposits and to review any pay adjustments which must be made.

Reductions may be necessary because of use of advanced leave, Commission property which is not returned, taxable fringe benefits, any prepaid tuition or training which has not been completed, and other unpaid employee obligations.

Final paychecks will be increased for payments such as earned but unused vacation leave and leave bank time, unused compensatory time, health insurance waivers, and sick leave in accordance with the personnel policies. See sections SICK LEAVE and PLANNING YOUR RETIREMENT.

PERFORMANCE EVALUATIONS

The performance of every employee will be evaluated at least once a year as a means to:

- Motivate and guide employees toward greater self development and improve performance
- Determine whether the employment of a provisional employee should be continued
- Serve as an aid in determining whether a merit increase is deserved and how much
- Help in the selection of employees for transfer and promotion
- Help determine whether other actions are warranted in terms of education, training, employment, and Commission work plans

PROVISIONAL EMPLOYEES

Prior to the end of the first six months of employment, the performance of each full time employee or part time employee will be evaluated by his or her supervisor.

Employees who are promoted or transferred to a new job title shall serve a probationary period of six (6) months from the date of the promotion or transfer. During this probationary period, the Commission reserves the right to return such employee to his/her previous position. The probationary period may be extended at the direction of the Program Director/Division Manager with the approval of the Executive Director for two extensions of forty-five (45) days each.

Employees may wish to refer to the section concerning **PROVISIONAL STATUS OF NEW EMPLOYEES** for details.

FULL AND PART TIME EMPLOYEES

Written performance evaluations will be completed by the appropriate supervisor on an annual basis using a standard evaluation period. The length of a leave of absence without pay may affect the timing of an employee's annual performance evaluation. Approximately six months between annual evaluations, the supervisor shall have a conference with the employee and advise the employee of his/her performance and review established objectives.

Each employee shall be notified of his/her performance evaluation and shall have the opportunity to review such evaluation and the supervisor shall confer with the employee regarding the evaluation. All evaluations must be signed by the employee and the employee supervisor. The required signature of the employee on the annual evaluation form, or on any other related form, shall be acknowledgment of receipt but shall not be construed to mean agreement with the content of such form, unless such agreement is stated thereon by the employee. Failure of the employee to sign the evaluation document shall not prevent the document from becoming part of the employee's record.

The Commission will evaluate the Executive Director's performance.

INFORMAL COUNSELING AND MORE FREQUENT PERFORMANCE EVALUATIONS

Since an employee's performance is not fixed in time, supervisors and employees are encouraged to conduct informal counseling sessions as the need arises.

A supervisor may also initiate a special performance evaluation when it is deemed necessary.

CONTENT OF PERFORMANCE EVALUATIONS

Supervisors are responsible for conducting thorough, impartial, and timely performance evaluations with employees who report directly to them. Each employee's performance in certain key performance areas and other performance categories will be evaluated. On the basis of these and other factors which are identified as having a bearing on performance, an overall performance rating can be assigned. Actual performance (and not the potential worth

of the employee) will be rated according to whether it is "Unsatisfactory," is "Satisfactory," or "Exceeds Expectations." Since each employee's performance is based upon different factors, the performance of one employee is not to be compared or ranked against another.

Matters which relate to employee conduct can be considered in evaluating employee performance; however, performance evaluations shall in no way be considered a substitute for disciplinary action nor preclude disciplinary measures from being taken outside of the performance evaluation process.

PROCEDURES FOR CONDUCTING PERFORMANCE EVALUATIONS

- (1) At the end of the evaluation period, the employee completes the self appraisal and submits it to the supervisor.
- (2) The supervisor consults with other supervisors and/or employees who have knowledge of the employee's performance in any given performance area.
- (3) The supervisor completes his or her evaluation of the employee's performance and discusses it with the next higher level of supervision, and if appropriate, the Executive Director.
- (4) The supervisor discusses the evaluation with the employee and finalizes the review form. At this time, the supervisor also discusses with the employee the recommended action to be taken as a result of the evaluation (merit increase, promotion, transfer, demotion, probation, termination, etc.). The supervisor then signs and dates the form.
- (5) The employee is given a reasonable period of time to prepare comments if he or she desires. After the supervisor's receipt of the comments or if no comments are made, the employee signs and dates the form.
- (6) If an employee wishes to appeal the evaluation, the supervisor distributes the evaluation (including the employee's comments) to the next level supervisor with a notation to that effect. The next level supervisor will review the supervisor's evaluation, the employee's comments, and decide whether the performance rating or any part of the performance evaluation should be modified. A discussion may be conducted with the employee and/or supervisor. If the employee still disagrees with the evaluation, the matter will be referred by steps up to the Executive Director for final disposition unless the Executive Director is the employee's immediate supervisor, in which case, it will be referred to the Personnel and Budget Committee for final disposition.
- (7) Absent an appeal, the supervisor forwards the evaluation through the next level supervisor for signature and to the Executive Director for approval of any action to be taken as a result of the evaluation. Should the employee not be satisfied with his/her merit increase or performance reviews he/she may discuss this matter with the Executive Director.

- (8) A copy of the evaluation may be made for review by the Personnel and Budget Committee at its next scheduled meeting. Follow up action may be held pending the Committee meeting.

FOLLOW UP ACTION

The results of the performance evaluation may lead to some follow up action being taken. These include but are not necessarily limited to a merit increase, promotion, transfer, probation, demotion, or termination.

Where the performance of an employee is below expectations the supervisor(s) and Program Director/Division Manager shall confer with the employee and set forth an improvement plan during the respective evaluation period and goals required to achieve satisfactory performance. In all cases where an employee's overall performance is found to be "not acceptable," no merit increase can be awarded and the employee must either be:

- Placed in a probationary status during which his or her performance and progress will be carefully monitored
- Demoted
- Dismissed
- Transferred
- Suspended (with or without pay) pending final action on a dismissal recommendation

If an employee's performance improves during a probationary period, a merit increase may be awarded effective on the date that the probationary period ends.

PERSONNEL RECORDS

ACCESS

Personnel files are confidential and are to be treated as such. Employee access to personnel files is limited to the following:

- The employee
- The employee's supervisors or potential supervisors if being considered for a promotion or transfer
- The Executive Director
- Human Resources

- Staff directly involved in personnel matters, only as they need access in the course of their normal duties

Personnel files can only be reviewed in the presence of Human Resources or the Executive Director. Personnel files are to be secured by the end of each day.

CONTENT

An employee's file contains a variety of personnel documents. The file may include but is not limited to documents relating to employment actions, employee benefits, payroll information, performance evaluations, salary administration, the employee's personal information, annual leave records and any other relevant personnel item.

Employees shall be notified and given the opportunity to initial derogatory or negative personnel file entries. Failure of the employee to sign the derogatory or negative file entry shall not prevent it from becoming part of the employee's record. The employee shall have the right to respond to any document in his/her personnel file and to be provided with a copy of same. The employee will have ten (10) working days from the date of notification to file a response to any document placed in the file.

KEEPING YOUR FILE CURRENT

Every employee has a responsibility to keep current and accurate all employee provided information, such as name, address, telephone number, W-4, emergency notification, contacts and driver's license status

VERIFICATIONS OF EMPLOYMENT

It is the general policy of the Commission to verbally verify employment and salary information provided by financial institutions and, when requested to do so by an employee, provide in writing employment and salary information to financial institutions.

PROHIBITING DISCRIMINATION IN THE WORKPLACE

The NJ Pinelands Commission is an Equal Employment Opportunity Employer and adheres to and follows the New Jersey State Policy Prohibiting Discrimination in the Workplace dated August 20, 2007, which is incorporated by reference here within and any amendments and revisions adopted thereto.

The Model Procedures for Internal Complaints Alleging Discrimination in the Workplace have been tailored for use by the Pinelands Commission and have been reviewed by the Department of Personnel, Division of Equal Employment Opportunity/Affirmative Action.

In addition, there shall be no discrimination by the Commission against any employee because of the employee's membership or non-membership or activity or non-activity in the Union.

Furthermore, the Commission intends to comply with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The Commission will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The Commission also will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job.

PROVISIONAL STATUS OF NEW EMPLOYEES

All new employees are placed in a provisional status for a period of six months. During that period, the employee's job performance will be carefully observed by his or her immediate supervisor. Weaknesses in performance or attitude shall be brought to the employee's attention in a manner appropriate for understanding and self correction.

Employees should also be aware that vacation leave, sick leave, and administrative leave benefits are limited during their provisional employment period. More on these limitations is contained in the section concerning **LEAVE**.

Prior to the completion of the first six months of employment, the employee's supervisor will prepare a written evaluation of the employee's job performance and include a recommendation as to whether employment should be continued or terminated. The provisional period may be extended at the discretion of the Program Director/Division Manager with approval of the Executive Director for two extensions of forty-five (45) days each.

RECRUITMENT

In order to afford employees an opportunity to build their careers with the Commission, efforts will be made to recruit from current employees whenever a sufficient pool of potential candidates exist. When this pool of current employees is limited, the supervisor and Human Resources will share in the responsibility to broaden the Commission's recruitment efforts so that the best qualified person is hired.

All job vacancies that are to be filled will be posted on Commission bulletin boards in each building for a minimum of five (5) days. All vacancies shall be emailed to all current Commission employees.

In no event shall the hiring of an employee be considered as creating a contractual relationship between the employee and the Commission; and, unless otherwise provided in writing, such relations shall be defined as "employment at will," where either party, with appropriate notice, may dissolve the relationship.

REPORTING ACCIDENTS

It is the responsibility of all employees to report job related accidents to Business Services

immediately after the occurrence so that arrangements can be made for treatment, payment, repairs, etc.

Following the initial notification of the accident, the employee must submit a written report to Business Services which states the facts and circumstances surrounding the accidents.

Employees may wish to review sections regarding Job Related Illness or Injury and WORKERS' COMPENSATION.

RESIGNATION

In the event an employee resigns, there are a number of administrative matters, such as insurance benefits and work scheduling matters, which both the employee and the Commission must address. Consequently, it's expected that advance written notice will be provided, preferably four weeks but two weeks at a minimum.

INSURANCE BENEFITS

Because of State requirements, life insurance benefits will end within a short period after employment ends. However, employees will be afforded an opportunity to convert life insurance benefits from our group policy to an individual policy. Additionally, under the Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA), employees and their dependents may be eligible to continue their health and dental insurance benefits at their own cost for a specified number of months.

Employees are encouraged to consult with Human Resources on the details of these arrangements.

LEAVE

Employees shall receive payment for all unused compensatory time. In addition, payment will be received for accrued but unused leave bank time received prior to April 27, 2015. Refer to LEAVE BANK for more information. An employee who has vested in vacation leave and resigns with proper advance notice will receive a lump sum payment for all earned but unused vacation leave. More information on payments for earned vacation leave is contained in the section on **LEAVE**. Employees are not eligible to receive payment for earned but unused administrative leave or sick leave.

Any vacation, administrative, or sick leave which is not vested is considered to be advanced and unearned. Consequently, the employee must reimburse the Commission for any leave used which is not vested. The same holds true for other employees who have used any leave advanced at the beginning of the calendar year but which is unearned at the time of resignation. Normally, these adjustments will be made in the employee's final paycheck.

PENSION

Employees have the option to retain membership in, if eligible, or withdraw their contributions from the pension system

Details are covered in the section concerning **RETIREMENT PLAN**.

EXIT INTERVIEW

An exit interview must be held on or before the employee's last day at work. More on this is contained in the section concerning **EXIT INTERVIEWS**.

RETIREMENT PLAN

Employees who the State Division of Pensions and Benefits determines are eligible for membership in the Public Employees Retirement System (PERS) shall be enrolled in this contributory retirement plan.

Retirement benefits are calculated according to the retiring employee's salary, his or her age, and the length of membership.

The information presented here is intended to highlight the retirement plan but should not be construed as a substitute for the policies of the PERS program. Employees are encouraged to obtain additional information about these benefits from Human Resources or the State Division of Pensions and Benefits.

CONTRIBUTIONS

The rate of contribution is determined by the State Division of Pensions and Benefits. This rate of contribution will be applied to the employee's reportable wages to arrive at the contribution amount. Thus, the amount of each employee's contribution and the Commission's contribution will vary.

If you were previously a member of PERS, a member of certain other public retirement plans, an employee not previously eligible for enrollment in PERS, or a veteran, you may be eligible to "purchase" credible service toward your retirement plan.

SUPPLEMENTAL ANNUITY

In addition to the regular retirement plan, PERS members may elect to participate in the supplemental annuity trust program. Contributions are made on an after tax basis.

DEFERRED COMPENSATION

Commission employees may also be eligible to participate in the New Jersey Employee Deferred Compensation Plan. Contributions are made on a before federal tax basis.

BORROWING AGAINST YOUR CONTRIBUTIONS

PERS members may borrow against their contributions after three years of enrollment, up to a maximum of one half of their contributions.

LEAVES WITHOUT PAY

Contributions toward retirement plans may be suspended for employees during leaves without pay. However, under certain circumstances, employees may purchase credible service for all or a portion of the absence when they return to pay status. There will be no loss of pension benefits due to furloughs.

ENDING YOUR EMPLOYMENT

Depending upon whether employees have vested in the retirement program, they will have certain options concerning their retirement plan. The Division of Pensions and Benefits should be consulted concerning these options and their implications.

PLANNING YOUR RETIREMENT

The PERS program is necessarily detailed and employees are encouraged to become familiar with the benefits early in their careers with the Commission. For example, health benefits may be continued when employees have 25 years in PERS of which at least seven (7) years are Commission employment, life insurance coverage may continue subject to some limitations, and the Commission will pay its employees for one half of all earned but unused sick leave, up to a maximum of \$15,000.

As you approach retirement, more detailed preparations should take place and you're encouraged to consult with a PERS counselor and Human Resources at least six months ahead of time.

SAFETY

The Commission recognizes the need for a safe and healthy work environment for all employees. The Commission agrees to comply with federal, state and local health and safety laws and regulations.

Safety consciousness and accident prevention are a part of every job at the Commission. All unsafe work conditions and practices should be reported to Business Services so that proper arrangements can be made to remedy the situation.

SALARY ADMINISTRATION

It is the Commission's policy to attract the most qualified people available and encourage them to build their careers with us. In keeping with this policy, and to the extent that finances permit, it is the Commission's intent to classify positions according to job

responsibilities, maintain internal consistency and external competitiveness of salary structures, and to compensate employees within the established salary structure on the basis of performance and contribution to the Commission's objectives.

SALARY RANGES

The minimum and maximum salaries for each position type are included in the Commission's Salary Structure (Appendix A). An employee's salary may not be less than or exceed the salary range for the specific position or level he or she occupies.

The Executive Director shall be responsible for ensuring that salary ranges for specific positions fall within the Salary Structure established by the Commission and are based upon comparative salaries for similar positions in other governmental organizations.

PAY COMPARABILITY

As previously stated, the Commission's salary ranges are based upon comparative salaries for similar positions in other governmental organizations. In order to apply the same rationale to current salaries, the Commission intends to adjust the salaries and hourly rates for all employees by the same percentage adjustment made by the State for most State employees. It is expected that the exact percentage of these salary adjustments will be dictated by the agreement with the Union.

Beginning July 1, 2008 the minimum and maximum salary for each position type included in the Commission's Salary Structure (Appendix A) will automatically be raised by the same percentage as the salary adjustment. Furthermore, the minimum and maximum salary for each position type of each salary range will also be raised by the same percentage as the salary adjustment. The effective date of the changes to the salary ranges will coincide with the effective date of the salary adjustment. Changes of this sort to the Commission's Salary Structure (Appendix A) will be reviewed by the Personnel and Budget Committee.

LUMP SUM PAYMENTS

Effective September 1, 2014, all union employees shall receive a \$500 lump sum payment that will not be applied to an employee's base salary. Effective June 30, 2015, each union employee shall receive a \$500 lump sum payment that will not be applied to such employee's base salary.

PROMOTIONS

Whenever an employee is promoted to a new or higher level position, the employee will receive a salary increase equal to the highest promotional (at least 5% of base salary) allowable for that year or the minimum salary for the new or higher position, whichever is greater. Promotional increases will be budgeted separately from the merit increase pools.

SENIORITY

Seniority is defined as continuous employment with the Commission from the date of last hire, including employee's paid leave of absence. Seniority dates are adjusted for all unpaid leaves. Seniority shall be considered when approving requests for vacation and administrative leave.

SMOKING IN THE WORKPLACE

Smoking in all buildings owned by the Commission is prohibited; however, the Executive Director may designate a specific area outside of buildings for smoking when doing so does not disrupt Commission business or infringe upon the rights of non smokers.

SUGGESTIONS

The Commission welcomes any suggestion which makes an operation less expensive, more effective, faster, safer or easier. It doesn't have to save money. One which cuts unnecessary "red tape" is also welcomed.

Suggestions may be placed in the designated suggestion box and must be in writing, organized, and detailed enough to show how implementation would save time, material, or money. Employees are encouraged but not required to include their names with the suggestion so that Business Services can secure additional information if needed and inform the employee of the action to be taken.

After reviewing suggestions, Business Services will submit them and his or her recommended actions to the Executive Director for review.

TRAVEL EXPENSES

The Commission will pay or reimburse employees for all reasonable costs associated with overnight or out of state travel related to Commission business.

APPROVAL

Employees must receive authorization for travel and the Executive Director's approval is required prior to undertaking any overnight and out of state travel. Once approved, the employee shall confer with Business Services for details on reimbursable expenses.

EXPENSES

Transportation and related costs will be paid at the actual reasonable expense except when a personally owned vehicle is used in which case an allowance equal to the current approved State mileage reimbursement rate will be paid on the basis of miles driven.

Meal reimbursement while on an official travel status for less than a 24-hour period will be based on the rate indicated in the **MEAL ALLOWANCE** section unless they are provided as part of a transportation charge or "package" arrangement. In cases where a fixed fee for a meal is specified for attendance at a business function or when unusual travel circumstances exist, the Executive Director may approve payment on the basis of actual reasonable costs. Meal reimbursement while on an official travel status for 24 hours or more will be based upon the federal per diem allowances.

Lodging expenses shall be based on actual reasonable costs not to exceed the federal per diem rates. Employees are encouraged to patronize hotels and motels that offer special rates for the Commission.

Other miscellaneous expenses are generally not covered by the Commission unless the nature of the travel is such that the expense would normally be associated with the business travel.

PAYMENT

Allowable costs will generally be reimbursed; however a travel advance for extended travel can be provided by Business Services with reasonable advance notice.

A travel expense voucher, with attendant receipts, should be submitted within 30 days after the travel is completed but in no case after the end of the fiscal year in which the travel occurred.

PROSPECTIVE EMPLOYEES

With the prior approval of the Executive Director, actual and reasonable travel expenses of prospective employees who travel for an interview from out of state may be reimbursed.

With the prior approval of the Executive Director, actual and reasonable travel expenses of prospective employees who travel for an interview from out of state may be reimbursed.

VOLUNTEERS

Persons who volunteer their services to the Commission pursuant to a formal agreement between the Commission and another agency may be reimbursed for mileage, related transportation expenses, and receive an allowance for applicable meals.

BUSINESS MEALS

With the prior approval of the Executive Director, actual and reasonable costs associated with meals for visiting officials may be reimbursed.

COMMISSIONERS' EXPENSES

Commissioners will be reimbursed for all actual and reasonable travel expenses, except that payment for the use of a personally owned vehicle will be based on the established mileage rate.

All out of state travel, overnight travel, and attendance at conferences and seminars must be approved in advance by the Commission's Chairman.

UNION ACTIVITIES ON THE WORK SITE

A limited number of union activities are permitted on the work site during non-working hours such as lunch break and before/after work. Each union employee is responsible for reviewing his/her union agreement in order to fully understand what union activities are permitted during the workday and what is not permitted.

UPWARD MOBILITY

Employees sometimes show great potential for assuming higher level positions but do not possess the necessary education and experience to apply for an available position.

It is the Commission's policy to provide an opportunity for these employees to assume higher level positions when doing so does not unduly infringe upon Commission business objectives and responsibilities.

Whenever the Executive Director believes that an available position may be filled through an upward mobility program, he/she will prepare a plan and advise the Personnel and Budget Committee of this opportunity.

The purpose of the plan will be to afford an employee an opportunity to gain both the education and experience necessary for the position and, while doing so, assume job responsibilities and receive compensation commensurate with the stage of the employee's development.

STRUCTURE OF THE PROGRAM

Every upward mobility plan must:

- Identify the positions which are eligible to apply
- Provide for objective selection of the candidate after due evaluation of all applicants
- Specify the duration of the program
- Establish a training program
- Specify the points during the training period where an employee may advance to a bridge position(s) between his or her current job and the target position
- Specify what continued employment rights, if any, an employee will have if the program is not successfully completed

CONSIDERATION OF APPLICANTS

Since the selected candidate is not currently qualified for the target position, it is crucial that the primary criteria for selection be the employee's potential to successfully complete the training and successfully perform in the target position. An employee's potential can, in large part, be judged by his or her:

- Performance in the current position
- Recognition for exceptional work
- Experience related to the target position
- Education related to the target position
- Career and self development initiatives

WHISTLEBLOWER POLICY

The Commission encourages its employees to discuss with their supervisors any concerns they may have regarding work related matters. The Commission recognizes that some issues are of a serious nature such as violations of laws, rules and regulations promulgated pursuant to law as referenced by this policy.

The Commission or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy; even if an investigation reveals that no violation occurred. More specifically, the Commission or any of its employees will not take any retaliatory action or tolerate any reprisal against an employee for:

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. § 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety or welfare.

Disclosure, however, is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical

harm; or (3) the situation is emergent in nature. However, the employee must give the Commission a reasonable opportunity to correct the activity, policy or practice.

This policy is important to the Commission. Each employee should seek to resolve any problem within Commission channels before reporting it to any outside person or entity.

WORKWEEK

The workweek for employees will begin at 12:01 a.m. Saturday and end at midnight the following Friday and shall consist of 35 working hours.

The Commission's normal business hours shall be from 9 a.m. to 5 p.m. Monday through Friday with an hour lunch break. The Executive Director, in his/her sole discretion, is authorized to establish working hours that are outside of the Commission's normal business hours to fit Commission needs or when otherwise beneficial to the Commission.

FLEXIBLE WORK HOURS

Employees, with the approval of their supervisor, may work a seven hour work day beginning between 8 a.m. and 10 a.m. and ending between 4 p.m. and 6 p.m. Monday through Friday, with at least an hour lunch break.

SUMMER FLEXIBLE SCHEDULE

The Executive Director is authorized to establish a flexible work schedule for full time employees during the summer months. Provided that it does not impair the business operations of the Commission, full time employees, with the approval of their supervisor, may take a half or whole day off every two weeks by working longer hours on the remaining work days of the pay period to compensate for the time taken off. The program will be effective from June to September with the exact pay periods being determined each year.

BIWEEKLY TIME SHEETS

Employees will record all hours worked and any leave time taken on the biweekly timesheet. The timesheet will be submitted through the appropriate supervisor to Business Services by the close of business of each pay period. The timesheet is used for legal representation for hours worked, therefore, failure to submit an accurate timesheet may impact the employee's pay, benefits, and his or her performance evaluation.

PINELANDS COMMISSION SALARY STRUCTURE

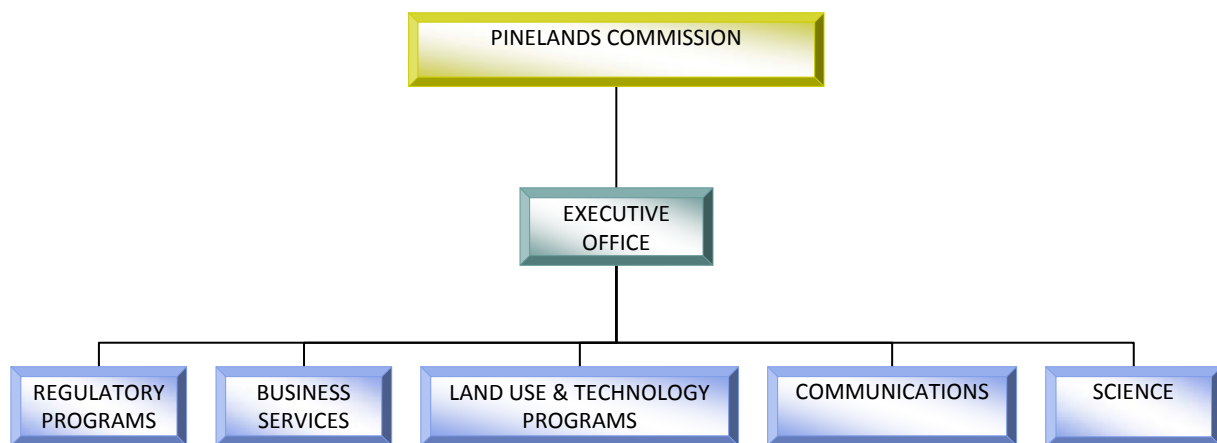
Effective Date: July 1, 2014

<u>CLASSIFICATION / TYPE OF POSITION</u>	ANNUAL SALARY RANGES FOR SPECIFIC POSITIONS:	
	<u>MAY NOT START BELOW</u>	<u>MAY NOT EXCEED</u>
EXECUTIVE DIRECTOR	\$97,833	\$159,420
PROGRAM DIRECTORS / DIVISION MANAGERS	\$66,756	\$136,914
OFFICE LEADERS / LEGAL	\$61,577	\$112,531
SPECIALISTS	\$32,802	\$101,405
ASSISTANTS: Executive	\$31,075	\$68,019
ASSISTANTS: Non-Executive	\$20,718	\$58,018

Hourly pay rates for part-time employees shall fall within the minimum and maximum salary ranges for the appropriate position when calculated on an annual basis.

PINELANDS COMMISSION TABLE OF ORGANIZATION

December 31, 2003





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

TITLE: To Adopt the Pinelands Commission’s Fiscal Year 2016 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

- WHEREAS**, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and
- WHEREAS**, the State of New Jersey has appropriated \$2,469,000 to support the Commission's operations during Fiscal Year 2016; and
- WHEREAS**, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State’s interdepartmental accounts in FY 2016; and
- WHEREAS**, the Commission anticipates that additional funding sources of \$1,485,712 will be available to further support the Commission's operations; and
- WHEREAS**, the FY 2016 Operating Budget anticipates a \$530,210 draw from the Commission’s unreserved, undesignated fund balance; and
- WHEREAS**, the Commission is adopting an Operating Budget for FY2015 totaling \$4,641,712; and
- WHEREAS**, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and
- WHEREAS**, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY2016 recommends expenditures of \$225,965 which will be drawn from the Fund Balance for this project; and
- WHEREAS**, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and
- WHEREAS**, during FY2016, the budget for the Land Acquisition program totals \$923,009; and
- WHEREAS**, the FY2016 budget for the Conservation Planning and Research program totals \$546,277; and
- WHEREAS**, the FY2016 budget for the Community Planning and Design program totals \$117,347; and
- WHEREAS**, the FY2016 budget for the Education and Outreach program totals \$425,161; and
- WHEREAS**, the total budget for the Pinelands Conservation Fund during FY2016 totals \$2,011,794; and

WHEREAS, copies of the Operating Budget, the Kirkwood Cohansey Aquifer Assessment Study Fund Budget and the Pinelands Conservation Fund Budget, dated June 30, 2015, were provided to the Personnel and Budget Committee for review, and those Committee members present at the Committee's June 30, 2015 meeting recommended Commission approval of the budgets; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2016 Budgets for the Operating Fund totaling \$4,641,712; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$225,965; and the Pinelands Conservation Fund totaling \$2,011,794.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Earlen					Prickett				
Avery					Galletta					Quinn				
Barr					Jannarone					Rohan Green				
Brown					Lloyd					Witt				
DiBello					McGlinchey					Lohbauer				

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2016**

Revenue Source	FY2013 Audited	FY2014 Unaudited	FY2015 Budget	FY2016 Anticipated	Notes
State Appropriation	2,469,000	2,469,000	2,469,000	2,469,000	1
State Supplemental Funding (PDC Purchase Prog. Admin.)	1,094	0	0	0	
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	402	500	500	300	
Interest Income	1,903	1,500	1,500	1,500	3
Interest Income - Snake Study Escrow	4	0	0	0	
Interest Income - Fence Escrow	13	0	0	0	
Unspent Flexible Spending Account Contributions	203	0	0	0	
MTMUA Hydrologic Monitoring	3,990	4,150	16,500	0	
CCMUA Hydrologic Monitoring	6,200	6,330	16,500	17,952	4
EPA Buffer Grant	6,066	36,000	41,500	0	5
NPS - Long Term Environmental Monitoring	257,044	180,000	178,820	178,820	6
NPS - Long Term Economic Monitoring	109,617	100,000	105,280	105,280	6
PDC Bank - Services	964	0	0	0	
Stockton College MOA	8,370	0	0	20,000	7
Vehicle Auction Proceeds	4,995	0	2,000	2,000	8
Wetlands Permitting	9,817	4,000	3,000	200	9
Pinelands Application Fees	489,092	425,000	253,000	425,000	10
Utility Companies ROW Program	59,200	59,200	59,200	59,200	11
Stafford Township MOA	165	2,000	0	0	12
TOTAL REVENUE	4,115,139	3,974,680	3,833,800	3,966,252	
Microfilm Reserve Anticipated	1,648	3,700	13,650	3,650	13
Computer Reserve Anticipated	73,665	14,300	21,600	21,600	14
Fenwick Manor Painting Reserve Anticipated	0	0	0	40,000	15
Administrative Assessment (Pnlds. Conserv. Fund)	60,000	60,000	80,000	80,000	16
Undesignated Fund Balance Anticipated	0	147,120	366,482	530,210	17
TOTAL OTHER INCREASES	135,313	225,120	481,732	675,460	
TOTAL REVENUE AND OTHER INCREASES	4,250,452	4,199,800	4,315,532	4,641,712	

June 30, 2015

PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2016

Expenditure Account	FY2013 Audited	FY2014 Unaudited	FY2015 Budget	FY2016 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,457,971	2,473,700	2,452,800	2,473,705	18
Fringe Benefits	1,190,051	1,229,100	1,353,650	1,539,755	19,40
TOTAL PERSONNEL	3,648,022	3,702,800	3,806,450	4,013,459	
SUPPLIES					
Printing & Office Supplies	43,606	30,500	26,982	15,500	20
Vehicular Supplies	5,773	6,300	6,000	7,200	21
Household Supplies	7,183	7,500	4,200	6,000	22
Fuel & Utilities	37,181	39,000	39,000	41,100	23
Other Supplies	5,162	5,700	5,500	5,461	24
TOTAL SUPPLIES	98,905	89,000	81,682	75,261	
SERVICES					
Travel	3,265	5,500	5,900	8,000	25
Telephone	23,935	24,800	21,400	22,000	26
Postage	5,856	8,000	6,400	7,000	27
Insurance	40,692	41,300	40,800	43,900	28,40
Information Processing	33,257	44,500	63,400	69,500	29
Household Services	2,204	2,500	2,000	2,150	30
Professional Services	62,764	128,000	129,500	235,000	31,40
Other Services	8,660	21,200	17,900	21,679	32
TOTAL SERVICES	180,633	275,800	287,300	409,229	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	3,655	51,800	50,000	57,300	33
Maintenance - Equipment	5,159	7,300	17,000	25,500	34
Maintenance - Vehicular	4,004	4,000	3,350	6,000	35
Rent - Other	5,806	9,800	5,150	7,400	36
TOTAL MAINTENANCE & RENT	18,624	72,900	75,500	96,200	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	0	8,000	11,600	0	
Acquisitions - Vehicles	0	27,000	27,000	0	
Acquisitions - Equipment	1,765	3,700	4,400	3,563	37
Acquisitions - Information Processing Equipment	56,838	20,600	21,600	44,000	38
TOTAL IMPROVEMENTS & ACQUISITIONS	58,603	59,300	64,600	47,563	
TOTAL EXPENDITURES	4,004,787	4,199,800	4,315,532	4,641,712	39

PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2016 NOTES
June 25, 2016

1. The Governor's budget includes a FY 2016 State Appropriation to the Commission in the amount of \$2,469,000. This amount is equal to the FY 2015 State Appropriation.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$888,740 in FY 2011, \$838,218 in FY 2012, \$837,927 in FY 2013 and \$844,809 in FY 2014 and but was only approved to receive \$687,000. In FY 2015 only \$687,000 was received and this amount will remain consistent for FY 2016.
3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have sharply declined over recent years and lower cash balances resulting from reduced appropriations have greatly affected interest income over the several years and will continue to do so in FY 2016.
4. Monitoring for the Camden County MUA hydrologic projects will continue into FY 2016. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
5. In March 2008, the Commission accepted a grant from the U.S. Environmental Protection Agency to conduct a study titled "The Effectiveness of Upland Buffer Zones in Mitigating the Impact of Suburbanization on the Integrity of Wetland Communities". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level. The Grant ended in January 2015.
6. The Commission is entering its 22nd year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year, which are reimbursed in full.
7. In November 2014, the Commission authorized execution of a Memorandum of Agreement with Richard Stockton College (now University) to establish an alternative permitting process MOA. , In accordance with Paragraph III.A.10. Stockton University is obligated to reimburse the Commission for staff costs associated with the development of the MOA and application fees for the review of any development projects conducted under the terms of the MOA.
8. During FY 2016 the Commission anticipates receiving \$2,000 as Vehicle Auction Proceeds for the surrender of a 2006 Jeep Liberty.

9. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.

10. Application Fees of \$425,000 are anticipated to be received during FY 2016. This important component of the Commissions Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

11. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.

12. In July 2006, the Commission approved a Memorandum of Agreement with Stafford Township and Ocean County Regarding Landfill Closure and Redevelopment of the Stafford Business Park. This MOA provides for the reimbursement of Commission costs associated with the creation and implementation of the agreement.

13. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

14. The FY 2016 anticipated revenue from the Computer Reserve estimated at \$21,600 equals the amount being recommended for new Accounting System, Network Switches and a new File Server in the Acquisition – Information Processing Equipment account.

15. Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The Commission will also seek grant possibilities as an additional source of funding.

16. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the four programs (see Pinelands Conservation Fund budget note #5). This \$80,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

17. The projected amount needed from the Undesignated Fund Balance to balance the FY2016 budget deficit is \$530,210. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated. The amount in the Commission's fund balance is sufficient to

cover the \$530,210 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.

18. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions or more than 35% of the authorized staffing level. The FY 2016 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 43.5 of the 66 authorized full time equivalent positions.

19. The fringe benefits budget includes expenditures for the employers' share of Social Security (\$180,347), Medicare (\$42,178), disability insurance (\$1,650), flexible savings accounts (\$1,200) and miscellaneous administrative charges (\$600). The employer liability of pension related funds is estimated at \$365,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,310,282 with a \$150,700 reduction for coinsurance payments from staff members. Also included is \$9,976 for dental insurance premiums and \$675 for participation in the Employee Advisory Service. Lastly, \$223,260 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (\$17,475) and the Pinelands Conservation Fund (\$205,785) as shown in those budgets.

Upon Commission approval of the FY 2016 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$222,525.

20. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$2,350 of this budget.

21. The majority of the vehicular supplies budget is gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY 2010, the Commission's fleet was reduced from seven to five vehicles and then in FY 2013 from five to four vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

22. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$1,000 and other operating supplies.

23. The fuel and utilities budget covers expenditures for heating gas, electricity, water and sewer. During the latter part of FY 2011, the Commission was accepted into the State's cooperative purchasing for electricity usage charges and has realized savings of approximately \$2,500 per year.

24. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 78 %) of this account, totaling \$5,461 for FY2016.

25. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

26. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges. The Commission has saved money by changing methods of placing conference calls.

27. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

28. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commissions buildings under the States property insurance. In FY 2011, the automobile insurance premium was lower because of two less vehicles. In the latter months of FY 2013, another vehicle was eliminated and similar coverage was combined. These coverage changes have helped to offset rising premiums.

Upon Commission approval of the FY 2016 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$43,900.00 to cover the Commission's insurance premiums.

29. The FY 2016 budget for information processing includes \$33,082 for software maintenance agreements, \$19,918 for software and data purchases, \$3,500 for payroll processing, \$2,000 for database administration services, and \$1,000 for online legal services and \$4,000 for hardware maintenance. For FY 2016, there is \$5,000 for potential maintenance charges payable to the State's Office of Technology for an upgraded time reporting system. Over \$14,875 of this budget is reimbursable through grants or special revenue.

30. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services. As a cost saving measure, trash removal services were changed to bi-weekly in FY 2011.

31. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$50,000 for legal fees associated with DAG services, \$100,000 for labor counsel and litigation, \$1,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$24,000 are budgeted. Also included is \$5,000 for accounting services and \$54,000 for temporary staffing services.

32. Expenditures in the other services budget include annual subscriptions (\$550), required memberships (\$2,287), meeting expenses (\$850); advertising (\$3,875), research related fees (\$450), training (\$10,715), and banking fees (\$1,000).
33. The maintenance buildings and grounds budget for FY 2016 includes a major maintenance project estimated at an amount of \$40,000 to prepare and paint all or part of the exterior of the Fenwick Manor building. This project was originally budgeted for completion during FY 2013 but the mailing of the Request for Proposal was delayed. If alternative funding such as a grant is received, the fund budgeted for the painting could be reallocated to the purchase of a generator. The remaining \$17,300 is available for minor maintenance services (tree trimming, plumbing, electrical, HVAC, etc.).
34. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$7,600 for the buildings' systems (fire equipment, elevator, security, and access), \$1000 for office equipment, \$500 for scientific equipment and \$500 for maintenance equipment. There is an additional 10,000 for replacement of the TDM room audio recording system.
35. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work, not performed by the Commissions Maintenance Technician.
36. Since FY2011, several changes in the rent other budget have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY2016 budget includes \$1,000 for the postage meter, \$6,100 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$200 for the safe deposit box.
37. The acquisitions - equipment budget contains \$3,563 for scientific equipment supporting the long term environmental monitoring program funded by the National Park Service.
38. The acquisitions - information processing equipment budget includes the replacement of six computers (\$13,200), replacement Network Switches (\$11,000) and a File Server (\$3,800). Based on the State Auditor's recommendation \$15,000 has been requested for a New Accounting System.
39. The total estimated Operating Budget expenditures for FY2016 equal \$4,641,712. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$2,908,818.

40. Several expenditure account budgets include funding for various services and benefits which are reimbursed to the State of New Jersey and are over the Executive Directors authorized contracting limit of \$36,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2016 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2016 BUDGET

	FY2012 Audited	FY2013 Audited	FY2014 Unaudited	FY2015 Unaudited	FY2016 Anticipated	Notes
REVENUE PROJECTIONS						
State Approp.- Kirkwood Cohansey Aquifer Study	-	-	-	-	-	
Interest Income	332	350	150	150	150	1
Total Revenue	332	350	150	150	150	
Reserve for K/C Study Anticipated	11,272	-	-	-	-	2
K/C Study Fund Balance Anticipated	394,340	117,650	74,850	239,600	225,815	3
Total Revenue/Reserve Anticipated	405,944	118,000	75,000	239,750	225,965	

Expenditure Account	FY2012 Audited	FY2013 Audited	FY2014 Unaudited	FY2015 Unaudited	FY2015 Anticipated	Notes
PERSONNEL						
Salaries & Wages	82,610	80,000	50,000	25,000	31,490	4
Fringe Benefits	31,351	29,600	23,000	12,750	17,475	5
TOTAL PERSONNEL	113,961	109,600	73,000	37,750	48,965	
SUPPLIES						
Printing & Office Supplies	-	8,000	1,500	1,500	1,500	6
Vehicular Supplies	-	-	-	-	-	
TOTAL SUPPLIES	-	8,000	1,500	1,500	1,500	
SERVICES						
Travel	115	100	50	50	50	
Telephone	-	-	-	-	-	
Information Processing	888	300	450	450	450	
Professional Services	290,980	-	-	200,000	175,000	7
Other Services	-	-	-	-	-	
TOTAL SERVICES	291,983	400	500	200,500	175,500	
MAINTENANCE & RENT						
Maintenance - Equipment	-	-	-	-	-	
Maintenance - Vehicular	-	-	-	-	-	
Rent - Other	-	-	-	-	-	
TOTAL MAINTENANCE & RENT	-	-	-	-	-	
IMPROVEMENTS & ACQUISITIONS						
Acquisitions - Vehicles	-	-	-	-	-	
Acquisitions - Equipment	-	-	-	-	-	
Acquisitions - Information Processing Equip	-	-	-	-	-	
TOTAL IMPROVEMENTS & ACQUISITIONS	-	-	-	-	-	
Total Expenditures	405,944	118,000	75,000	239,750	225,965	

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2016 BUDGET NOTES
June 24, 2015**

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$150 stays within the program and is available to help fund the project. This amount is consistent with last years but lower than in past years because of the decline in interest rates and a lower cash balance as the program nears completion. The cumulative interest earnings are accounted for as Fund Balance.
2. Early in FY 2012, the balance of funds provided from the Water Supply Fund in the Reserve (Deferred Revenue) account was exhausted.
3. In FY 2016, it is projected that approximately \$225,815 will need to be drawn from the Fund Balance. In FY 2016 it is anticipated that an additional \$225,815 will be needed from the Fund Balance to fund the staff's preparation and the printing of the final report. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
4. The FY 2016 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$31,490.
5. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2016.
6. The printing and office supplies budget of \$1,500 represents the estimated cost to print and publish the final report.
7. The professional services budget of \$175,000 represents the continued work of USGS needed in preparation of the final report.

PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2016 BUDGET

Revenue Source	FY2012 Audited	FY2013 Audited	FY2014 Unaudited	FY2015 Unaudited	FY2016 Anticipated	Notes
Stafford Township (Existing Landfills Assessment)	152,900	0		0	0	
EPA Grant - Intermittent Ponds	28,791	61,500	84,386	84,000	84,000	1
EPA Grant - Natural and Created Wetlands	0	30,000	83,390	83,000	83,000	2
Septic Technologies Study - Pilot Program	0	0		0	0	
Interest Income - Land Acquisition	2,262	1,000	770	700	650	3
Interest Income - Conservation Planning & Research	2,335	2,500	2,756	2,700	2,300	3
Interest Income - Community Planning & Design	1,949	1,700	2,169	2,100	1,200	3
Interest Income - Education & Outreach	0	0	0	0	440	3
Total Revenue	188,237	96,700	173,471	172,500	171,590	
Cancellation of Prior Year Encumbrances	108,396	0	14,299	0	0	
Reserves for Pinelands Conservation Activities	1,521,395	4,275,700	2,224,753	1,461,673	1,840,204	4
Total Revenue/Other Sources Anticipated	1,818,028	4,372,400	2,412,523	1,634,173	2,011,794	

Expenditure Account	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Unaudited	FY2016 Anticipated	Notes
<u>Land Acquisition</u>						
Salaries & Wages	77,700	36,000	31,422	45,000	84,029	
Fringe Benefits	29,487	13,300	15,947	23,000	42,380	
Information Processing	434	1,010	931	816	1,600	
Professional Services	31,057	121,500	32,243	25,000	25,000	
Land Acquisition	1,137,155	3,717,000	544,138	797,598	750,000	
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Land Acquisition Expenditures	1,295,833	3,908,810	644,680	911,414	923,009	6

Conservation Planning and Research

Salaries & Wages	120,760	167,900	231,371	213,000	222,629	
Fringe Benefits	45,828	61,900	117,334	108,630	113,704	
Printing & Office Supplies	273	200	855	300	100	
Household Supplies (clothing)	0	300	837	730	1,300	
Other Supplies	47	600	4,259	4,259	1,844	
Travel	302	1,350	3,292	350	9,000	
Information Processing	2,112	1,900	4,969	16,000	5,700	
Technical Services	0	0	61,600	61,600	70,000	
Professional Services	160,000	20,000	0		100,000	
Other Services	0	1,500	180	2,250	2,000	
Acquisitions - Equipment	0	7,500				
Acquisitions - Information Processing Equipment	5,425	6,000				
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Conservation Planning/Research Expenditures	354,747	289,150	444,696	427,119	546,277	7

Community Planning and Design

Salaries & Wages	105,626	110,000	72,634	111,000	62,217	
Fringe Benefits	40,084	40,700	36,862	56,610	31,910	
Printing & Office Supplies	244	0	29	50	150	
Other Supplies	10	0				
Travel	295	370	188	100	100	
Postage	157	250		250	250	
Information Processing	506	1,020	1,751		2,570	
Other Services	526	2,100	509	150	150	
State Aid and Grants	0	0	0	26,250		
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Community Planning/Design Expenditures	167,448	174,440	131,973	214,410	117,347	8

Education and Outreach

Salaries & Wages	0	0	0	23,000	34,749	
Fringe Benefits	0	0	0	11,730	17,791	
Printing & Office Supplies	0	0	0	1,000		
Other Supplies	0	0	0	0	2,500	
Information Processing	0	0	0	25,000		
Other Services	0	0	0	500	350,121	
Administrative Assessment	0	0	0	20,000	20,000	
Total Education and Outreach	0	0	0	81,230	425,161	9

Total Expenditures	1,818,028	4,372,400	1,221,349	1,634,173	2,011,794	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2016 BUDGET NOTES
June 25, 2015

1. In November 2011, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled "Assessing the Ecological Integrity of Intermittent Ponds and Their Vulnerability to Land-use Impacts". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
2. In November 2012, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled "Comparing the Functional Equivalency of Natural and Created Wetlands". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
3. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in three separate cash accounts, one for each program of the Fund. The FY 2016 estimated interest income totals \$4,590 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
4. The difference between the revenues and expenditures for the year, estimated at \$1,840,204, is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, and Community Planning and Design, Education and Outreach) has its own reserve account.
5. The financial plan that designated these three programs within the Fund was approved by the Commission in April 2005 and includes a \$20,000 assessment from each of the four programs to cover administrative expenses as described in Operating Budget note #16.
6. The Land Acquisition program budget for FY 2016 totals \$923,009. Personnel costs (salaries/wages and fringe benefits) are estimated at \$126,409 in support of the land acquisition and permanent land protections initiatives. Land acquisitions could total up to \$750,000. \$25,000 for the LPU acquisition program if DEP administers the program. Software maintenance supporting the land acquisition program is anticipated to be \$1600. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
7. The Conservation Planning and Research program budget for FY 2016 totals \$546,277. Personnel costs (salaries/wages and fringe benefits) are estimated at \$336,333 to support the following initiatives and special projects: analysis of landfill capping alternatives, a comprehensive Hammonton wastewater management/water supply policy, implementation of the alternate septic system pilot program / septic system management, the roadside plants management project, management of

threatened and endangered species data, planning associated with the Black Run – Kettle Run rule, an assessment of the existing Pinelands landfills, and the two EPA research projects on intermittent ponds and natural / created wetlands. Also included in this year's budget is \$170,000 for technical services from the USGS associated with the natural / created wetlands study , Kirkwood Cohansey Study and miscellaneous expenses (software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$19,944. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

8. The Community Planning and Design program budget for FY 2016 totals \$117,347. Personnel costs (salaries/wages and fringe benefits) are estimated at \$94,127 to support the following initiatives and special projects: implementation of the clustering ordinances, the Pinelands Development Credit and density rules, administrative responsibilities supporting the Pinelands Development Credit Bank. Miscellaneous expenses (software, postage, printing, meeting expenses and legal advertisements) supporting the program equal \$3,220. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

9. The Education and Out Reach program budget for FY 2016 totals \$425,161. Personnel costs (salaries/wages and fringe benefits) are estimated at \$52,540 to support the following initiative for the issuance of a Request for Proposals (RFP) for the installation and fabrication of exhibits in the Richard J. Sullivan Center. The cost of the Exhibit Center is estimated at \$350,000. Miscellaneous expenses (printing, permits and other services) supporting the program equal \$2,621. Rounding out the budget is the \$20,000 administrative assessment mentioned above.