

Disclaimer

These minutes reflect the actions taken by the Commission during its September 12, 2014 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on September 22, 2014.

PINELANDS COMMISSION MEETING<sup>1</sup>  
Richard J. Sullivan Center  
Terrence D. Moore Conference Room  
15 Springfield Road  
New Lisbon, New Jersey

MINUTES

**September 12, 2014**

Commissioners Present

Candace Ashmun, Bill Brown, Joe DiBello, Sean Earlen, Ed Lloyd, Paul E. Galletta, Richard Prickett, Robert Jackson, Jane Jannarone and Fran Witt. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Kerstin Sundstrom and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Alan W. Avery, Jr., Ed McGlinchey, D'Arcy Rohan Green, Gary Quinn and Chairman Mark Lohbauer.

Acting Chair Ashmun called the meeting to order at 9:34 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

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

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

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<sup>1</sup> Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

### Minutes

Acting Chair Ashmun presented the minutes (open and closed session) from the August 8, 2014 Commission meeting. Commissioner Galletta moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the August 8, 2014 Commission meeting were adopted by a vote of 9 to 0, with Commissioner Witt abstaining.

### Committee Chairs' Reports

#### Policy & Implementation Committee

Acting Chair Ashmun said that the August 27, 2014 Policy and Implementation (P&I) Committee meeting was canceled. She said the Committee's next meeting is September 26, 2014.

#### Personnel & Budget Committee

Acting Committee Chairperson Prickett updated the Commission on action from the August 26, 2014 Personnel and Budget (P&B) Committee meeting:

The Committee adopted the minutes from the July 29, 2014 meeting. It was noted that there was an amendment to the July 29, 2014 minutes to include Commissioner McGlinchey's request for a calculation of the cost of a salary increase including fringe benefits. The minutes also reflect Commissioner McGlinchey's statement that he will not be in favor of a budget that does not include the referenced calculations.

The Committee reviewed and recommended Commission approval of the Resolution to Adopt the FY 2015 budgets. This included the Kirkwood/Cohansey and Pinelands Conservation Fund budgets along with several changes in the Operating Budget only.

Ms. Wittenberg reviewed the Operating Budget for FY 2015 and noted that a few changes were made to the budget since the last meeting. Jessica Lynch noted that an adjustment for travel was made to account for Commissioners' travel expenses. Additional money was allocated for Deputy Attorney General and labor costs. The budgets for the Pinelands Conservation Fund and Kirkwood/Cohansey and corresponding budget notes were presented. Larry Liggett reviewed the Kirkwood/Cohansey study and Paul Leakan discussed the educational and outreach components of the Pinelands Conservation Fund. The value of the interactive map on the Commission's web site was also discussed.

The Committee met in Closed Session.

#### Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- The Plan Review report will be distributed at the October 10, 2014 Commission meeting.

- The Commission staff and staff from the New Jersey Department of Environmental Protection (NJDEP) met in August to further discuss forestry applications. The meetings have allowed both sides to understand each agency's processes. A final document summarizing how the agencies will work together will be developed.

Mr. Larry Liggett provided an update on the following:

- Discussions continued with Camden County and Monroe Township regarding the ongoing water monitoring needed to ensure that the withdrawals are not having a negative impact on the headwaters of the Great Egg Harbor and the Mullica Rivers. At a meeting with Monroe Township, staff was informed that Monroe is using water from the Piney Point Aquifer in addition to the Kirkwood-Cohansey Aquifer. Monroe Township is also buying water from New Jersey American Water. Based on this change staff will need to determine if the monitoring for Monroe should continue. Camden County has committed to continue funding the monitoring.
- The Township of Winslow will be working with the Commission on rezoning its Regional Growth Area.
- Last month we noted that the Commission provided build-out numbers to the Council on Affordable Housing (COAH). The numbers were from the Kirkwood - Cohansey study. The end results were surprising in that significant affordable needs were assigned by COAH to municipalities with no possible sewerage. Staff continues to discuss this issue with COAH.
- Staff was notified that Sustainable NJ was planning to release a new stormwater model ordinance. Staff asked that Sustainable NJ note that municipalities in the Pinelands must adhere to the specifically-formulated Pinelands stormwater model ordinance prior to releasing the new ordinance.

Mr. Chuck Horner provided an update on the following:

- Staff recently issued an exemption letter to New Jersey Natural Gas (NJNG) for the installation of gas mains in the Village of New Gretna. The Commission's rules state that if utility lines are proposed in an effectively-developed area, no application to the Commission is necessary. Staff worked closely with NJNG to determine which streets in the Village fit that criteria.

#### Public Development Projects and Other Permit Matters

Acting Chair Ashmun presented a resolution recommending approval of three public development projects.

Commissioner Galletta moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1983-5837.056, 1995-1659.004 & 2013-0011.001) (See Resolution # PC4-14-31). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Acting Chair Ashmun presented a resolution recommending approval for improvements to Garden State Parkway Interchanges 36, 37 and 38.

Commissioner Jackson moved the adoption of a Resolution Approving With Conditions an Application for a Public Development and Certificate of Appropriateness (Application Number 1997-0257.005) (See Resolution # PC4-14-32). Commissioner Prickett seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Acting Chair Ashmun presented a resolution recommending approval of an application for a Waiver of Strict Compliance for the development of a single family dwelling in Pemberton Township.

Commissioner Prickett recused himself and left the meeting room.

Commissioner Earlen moved the adoption of a Resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1988-1096.001) (See Resolution # PC4-14-33). Commissioner Brown seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0, with Commissioner Prickett not participating in the vote.

Commissioner Prickett rejoined the meeting.

#### Public Comment on Agenda Items and Pending Public Development Applications

Mr. Fred Akers of the Great Egg Harbor Watershed Association said that because of the Commission's lack of enforcement power, a town can build something and come to the Commission after the fact, as portrayed with Buena Vista Township's Application #1995-1659.004. He suggested that Application # 1995-1659.004 be tracked on the management report. He mentioned two other violation applications in Buena Vista Township that are currently being tracked in the management report. He said if violations are not listed in the management report, it is more difficult for watchdogs to help the Commission.

Margo Pellegrino of Medford Lakes asked if there was a plan of the proposed New Gretna gas mains available for the public to view.

Mr. Horner said yes.

#### Ordinances Not Requiring Commission Action

There were no ordinances on this month's agenda.

#### Other Resolutions

Acting Chair Ashmun presented the Fiscal Year (FY) 2015 Budget resolution. She said the budget has been reviewed by the P&B Committee.

Ms. Wittenberg reminded Commissioners that this budget was generated by both the Commission's past Business Services Manager and the current Business Services Manager. She said there are three budgets: the Operating Fund, the Kirkwood-Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund. Ms. Wittenberg said that money will need to be pulled from the Fund Balance/ Reserve account in order to make up for the decrease in application fees and the general increase in Commission personnel related-expenses. She said the majority of the operating fund expenditures are for employee salaries. Ms. Wittenberg said that the Kirkwood-Cohansey funds are almost gone. She turned to Mr. Liggett to explain how the remaining funds will be used. Mr. Liggett said the bulk of the money will be used to characterize watersheds in the Pinelands by using the low flow margin method to ensure that the regional impacts from wells are sustainable. He said the remaining money will be used to better assess new wells. Ms. Wittenberg reviewed the Pinelands Conservation Fund budget. She said the fund includes a new category for education and outreach. Lastly, Ms. Wittenberg highlighted the FY15 initiatives. (See presentation slides for additional information.)

Commissioner Lloyd moved the adoption of a Resolution To Adopt the Pinelands Commission's Fiscal Year 2015 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund (See Resolution # PC4-14-34). Commissioner Jannarone seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0, with Commissioner Jackson and Commissioner Witt abstaining from the vote.

#### Other Agenda Items

Mr. Ed Wengrowski presented the 12<sup>th</sup> Annual Report on Onsite Wastewater Treatment Systems Pilot Program. He said the Pilot Program was implemented in 2002 after an Ad-Hoc Committee consisting of the Pinelands Commission, the Pinelands Preservation Alliance and the New Jersey Builders Association was formed to investigate alternative septic system technologies. Mr. Wengrowski said the program continues to be recognized on both regional and national levels. He informed the Commission that monitoring of the FAST system has proven that it cannot meet Pinelands Water Quality standards on 1.0 acre lots. However, the Commission's standards can be met on 1.5 acre lots. That will be the lot size the staff will now require for applications proposing to use the FAST system. This will be implemented through the call up process. (See presentation slides for additional information.) He finished his presentation by reviewing each of the alternate design septic systems.

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

Acting Chair Ashmun said the Commission will need to go into closed session and asked that the public providing comment please keep their comments to three minutes.

Fred Akers of the Great Egg Harbor Watershed Association said he enjoyed Mr. Wengrowski's presentation and that he is familiar with the issues Mr. Wengrowski mentioned regarding Pancoast Lake. He said he has been studying the watershed for some time. He said aging septic systems in the vicinity, the Buena Vista Golf Course and stormwater runoff from intense farming are significant sources of pollution to Pancoast Lake and the surrounding area.

Fran Brooks of Tabernacle Township asked if the Commission maintains logs of Memorandums of Agreement that have been issued and Waivers of Strict Compliance.

Ms. Wittenberg said the Memorandums of Agreement that the Commission enters into are all on the Commission's website.

Mr. Horner said a list of waivers is not readily available to the public, but the individual waiver reports and resolutions are posted on the Commission's website at the time they come before the Commission.

Ms. Brooks asked if there was an end date to the money in the land acquisition component of the Pinelands Conservation Fund.

Ms. Wittenberg said the money will be there until it is used.

Margo Pellegrino of Medford Lakes said she enjoyed the septic presentation. She said the problem of nitrates in our water is important and prevention is essential to keep our water clean. She said it is very important for our water to be tested for not only regulated contaminants but unregulated contaminants, such as pharmaceuticals.

Jaelyn Rhoads of the Pinelands Preservation Alliance provided comments on roadside maintenance. She said Counties continue to mow at improper times. She requested that the Counties be reminded to mow later in the season after certain plants have bloomed. Ms. Rhoads inquired if the Commission would be implementing a similar program with municipalities.

#### Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss collective bargaining.

Commissioner Lloyd moved to retire into closed session. Commissioner Earlen seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0, beginning at 11:19 a.m.

#### Return to Open Session

DAG Heinzerling said no action was taken during closed session.

Commissioner Lloyd made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 11:48 a.m.

Adjournment

Commissioner Lloyd moved to adjourn the meeting. Commissioner Earlen seconded the motion. The Commission agreed to adjourn at 11:50 a.m.

Certified as true and correct:

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Jessica Noble, Executive Assistant

Date: \_\_\_\_\_