

Disclaimer

These minutes reflect the actions taken by the Commission during its December 14, 2012 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on December 27, 2012.

PINELANDS COMMISSION MEETING¹

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

MINUTES

December 14, 2012

Commissioners Present

Candace Ashmun, Joe DiBello, John Haas, Ed Lloyd, Paul E. Galletta, Robert Jackson, Ed McGlinchey, Richard Prickett and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison John Cascarano and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Sean Earlen, Bill Brown, Fran Witt, Gary Quinn, Leslie Ficcaglia, and D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:40 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Chairman Lohbauer introduced and welcomed the Commission's newly-appointed federal representative, Mr. Joe DiBello. Mr. DiBello resides in Ardmore, Pennsylvania and he is the superintendent of the Washington Rochambeau Revolutionary Route National Historic Trail.

DAG Heinzerling administered the oath of office to Mr. DiBello.

¹ 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.

Commissioner DiBello said he is excited to serve on the Commission and looks forward to learning about the Pinelands.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 9 Commissioners present.)

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

Minutes

Chairman Lohbauer presented the November 9, 2012 Commission meeting minutes (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the November 9, 2012 meeting were adopted by a vote of 8 to 0, with Commissioner DiBello abstaining.

Committee Chairs' Reports

Personnel and Budget Committee Meeting

Commissioner Prickett updated the Commission on action from the December 4, 2012 Personnel and Budget Committee meeting.

The Committee adopted the minutes from the July 3, 2012 meeting.

The Committee reviewed and recommended Commission approval of the resolutions to Authorize the Executive Director to Enter into an Agreement with the US Geological Survey (USGS) to Compare the Functional Equivalency of Natural and Created Wetlands and to Authorize the Executive Director to Pay for Legal Services.

The FY2012 Financial Reports were reviewed by Donna Connor. It was noted that these reports were produced from the Commission's accounting system and need to be converted to a modified accrual basis in preparation for the audit. An RFP for accounting services is being prepared to assist in this process.

The Summary of Commission's Deferred Revenue and Reserve Accounts was reviewed by Donna Connor. The Committee discussed the purpose and balances of several reserve accounts.

Dawn Rago discussed insurance renewals. It was noted that the crime policy is being investigated to see if the Commission needs this additional coverage.

Financial updates, including the Check Register and Electronic Funds Transfers for July, August, September, October, and November were reviewed. An update on application fees was also provided.

Donna Connor noted that the FY 2014 budget request documents have been sent to OMB.

Confidential and personnel matters were discussed in closed session.

Policy and Implementation Committee Meeting

Commissioner Jackson updated the Commission on action from the November 30, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the October 26, 2012 meeting.

The Committee recommended that the Commission certify Evesham Township Resolution PB-12-06 and Ordinance 20-7-2012, their response to the CMP amendments related to forestry, wetlands management and residential cluster development in the Pinelands Forest and Rural Development Areas.

The Committee granted a request from the Nature Conservancy for advancement of funding from the Pinelands Conservation Fund prior to closing on the Lenape Farms project.

The Committee reviewed the 2012 Implementation Report on the Alternate Design Treatment System Pilot Program. A formal rule proposal will be drafted to extend the installation dates of two of the pilot systems until August 2016.

Plan Review Committee

Commissioner Ashmun updated the Commission on action from the November 9, 2012 meeting:

A summary of public comments was provided; comments were wide-ranging and covered many topics. *Commissioner Ashmun thanked everyone who submitted comments.*

A timeline for the remaining Plan Review tasks was provided and reviewed. The timeline goes through December 2013.

A list of efficiency measures being considered for the first round of rule proposals was provided and reviewed. The first rule proposals will require minimal staff resources and time, are uncontroversial, and will increase staff productivity.

A second round of rule proposals will follow in 2013. The second round will address larger, more substantive issues that will require more staff resources and time to complete.

The next steps:

1. Staff will write a progress report.
2. Staff will provide Committee members with a list of potential additions to the list of application exemptions.
3. Committee members will begin to consider which topics should be addressed in the second, more substantive rule proposal package.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- Two meetings took place on forestry: one with Senator Smith and another with Ray Cantor from DEP.
- She attended the Pinelands Municipal Council meeting in Maurice River and provided an update on Plan Review.
- Efforts continue on the efficiency study. Currently staff is focusing on implementing some new processes.
- Staff is working diligently on Plan Review. The goal is to work on some simpler items for the first rule proposal, which could be combined with the septic program rules.
- An old mining site in Barnegat is being used for the storage of many hurricane-damaged vehicles. The tract of land is being leased by Insurance Auto Auctions, Inc. (IAA) a company that purchases impaired cars from insurance companies (Geico, Allstate). As soon as the Commission received reports on this matter IAA was contacted. Initially the Commission received reports that they were dumping the cars and burying them. Staff inspected the site and determined that this was not the case. The cars are being stored in a very organized manner. Numerous meetings have taken place. The Commission sent a letter to the land owner as did the County Soil Conservation District advising that a violation had taken place. Ms. Wittenberg tried to get some guidance from the DEP but they do not regulate this type of activity. The cars will be stored at the property for a number of months. IAA has employees on the site constantly monitoring the vehicles. The site is entirely dirt but IAA has done some grading and placed some concrete associated with the temporary storage of the vehicles. Ms. Wittenberg and Stacey Roth attended a meeting with the Township, property owner and IAA. During the meeting, certain assurances were made that left staff feeling more comfortable, such as no more cars are being brought to the site and the property being restored to its original state.

Commissioners discussed the lasting effects Hurricane Sandy has had on the state of New Jersey.

- The Commission will welcome another new employee in January to the Planning office.
- Staff has met internally to discuss the Manchester Ordinance that was delayed from the November agenda because of a mapping discrepancy. Staff also met with the applicant and Township on this matter. The applicant has agreed to survey the parcel. Once that has been submitted and reviewed, staff hopes to move forward.

- Ms. Wittenberg displayed the new Certificate of Filing on the Smartboard. The internal Writing Committee created this document.

Mr. Larry Liggett updated the Commission on the following:

- The Water Supply Advisory Council continues to ask for the water supply plan to be released. The Council has been making suggestions on how water should be regulated in the future and how it relates to water supply.
- The Long Term Economic Monitoring report covering 2011 and 2012 will be ready in early 2013.
- Staff met with Atlantic County and the Turnpike Authority to discuss the secondary impacts of Exit 44 on the Garden State Parkway.
- The appropriate documents have been filed with DEP for a blanket treatment works approval for the four new septic systems. Processing has been tied up because DEP is dealing with the aftermath of Hurricane Sandy.
- Staff has been working with the Town of Hammonton on improvements to the sewage treatment plant. It has been agreed that an expert should be retained to determine the best option for the future of the treatment plant.

Mr. Horner updated the Commission on the following:

- Staff met with DEP in an attempt to pre-delineate Enduro routes through Wharton State Forest.
- Staff met with DOT to further discuss DOT's interest in an MOA for certain road projects. This MOA would be very similar to the current MOA the Commission has with the Counties.
- Staff has been assisting the Town of Hammonton with a potential application to expand its existing airport. The town is currently applying for grant monies for the expansion.
- Staff met with Barnegat Township officials in an attempt to solve flooding issues in the Ocean Acres section of town.

Public Development Projects and Other Permit Matters

Commissioner McGlinchey moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1988-0706.016) (See Resolution # PC4-12-40). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Resolutions Relating to Municipal Ordinances

Commissioner Galletta moved the adoption of a Resolution Issuing an Order to Certify Evesham Township Resolution PB-12-06, Approving the 2012 Master Plan Reexamination and Amendment for the Pinelands Area and May 2012 Open Space and Recreation Plan, and Ordinance 20-7-2012, Amending Chapter 160 (Zoning) of the Code of Evesham Township (See Resolution # PC4-12-41). Commissioner McGlinchey seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Public Comment on Agenda Items and Pending Public Development Applications

No one from the public offered comment.

Other Resolutions

Commissioner McGlinchey moved the adoption Setting Pinelands Commission Meeting Dates for 2013 (See Resolution #PC4-12-42). Commissioner Haas seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Commissioner McGlinchey moved the adoption Authorizing the Executive Director to Pay for Legal Services (See Resolution #PC4-12- 43). Commissioner Ashmun seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Commissioner Lloyd moved the adoption to Authorize the Executive Director to Enter into an Agreement with the US Geological Survey (USGS) to Conduct a Portion of the Study to Compare the Functional Equivalency of Natural and Created Wetlands (See Resolution #PC4-12-44). Commissioner Galletta seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Hamilton Township Ordinance 1728-2012
- Hamilton Township Ordinance 1731-2012
- Southampton Township Ordinance 2012-04
- Southampton Township Ordinance 2012-8
- Washington Township Ordinance 2012-07

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

No one from the public offered comment.

Other

Commissioner McGlinchey said that it may be a good time to resurrect the Commission's Agricultural Advisory Committee.

Commissioner Lohbauer agreed and mentioned that he has been contacted by Denny Doyle who represents the Agriculture community, and Commissioner Galletta on that exact topic.

Commissioner Galletta said the Committee may be able to meet in the spring and fall. He also said that in the past there has been a conflict with being a member of the Agriculture Committee and a Commissioner.

Chairman Lohbauer said he would be happy to work with Commissioners Galletta and McGlinchey and Ms. Wittenberg in reestablishing the Agricultural Committee.

Commissioner McGlinchey asked to make one more comment, regarding the resolution that was just voted on to authorize the Executive Director to pay legal expenses. He said the amount of money the attorney charged the Commission for their legal services was unacceptable.

Ms. Wittenberg said that the law firm was designated by the Attorney General's office and approved by the Governor's office. She also said contract negotiations are not yet complete.

Chairman Lohbauer suggested making a motion to terminate the relationship with the law firm when negotiations are complete.

Commissioner McGlinchey asked that he be told when they are complete and he would be happy to make a motion to terminate the contract.

Chairman Lohbauer thanked his fellow Commissioners, Staff and the public for a successful year of work and wished everyone a Happy Holiday.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner McGlinchey seconded the motion. The Commission agreed to adjourn at 10:54 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: __December 24, 2012__