

Disclaimer

These minutes reflect the actions taken by the Commission during its July 13, 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 July 24, 2012.

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

MINUTES

**July 13, 2012**

Commissioners Present

Candace Ashmun, Sean Earlen, Leslie Ficcaglia, John A. Haas, Rick Harris, D'Arcy Rohan Green, Robert Jackson, Ed McGlinchey, Richard Prickett, Fran Witt 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

Bill Brown, Gary Quinn, Ed Lloyd and Paul E. Galletta.

Chairman Lohbauer 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 11 Commissioners present.)

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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.

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

### Minutes

Chairman Lohbauer presented the June 8, 2012 Commission meeting minutes and the June 29, 2012 Special Commission meeting minutes, and Commissioner Ashmun moved the adoption of the minutes. Commissioner McGlinchey seconded the motion.

The minutes of the June 8, 2012 meeting were adopted by a vote of 11 to 0. The minutes of the June 29, 2012 meeting were adopted by a vote of 9 to 0, with Commissioners Prickett and Rohan Green abstaining.

### Other

Chairman Lohbauer announced that this would be Commissioner Harris' last meeting and read a resolution regarding Commissioner Harris' tenure at the Commission.

Commissioner Haas moved the adoption of a resolution expressing the Commission's Appreciation to Richard L. Harris for His Service as a Member between January 2011 and July 2012 (See Resolution #PC4-12-23). Commissioner McGlinchey seconded the motion.

Commissioner Harris said that he has enjoyed his time serving on the Commission and wished it could have been longer. He also said he has learned a lot and knows that the National Parks Service will continue its support. He thanked everyone and said that it has been a pleasure.

All were in favor.

### Committee Chairs' Reports

#### Personnel and Budget Committee Meeting

Commissioner Haas updated the Commission on action from the July 3, 2012 Personnel and Budget Committee Meeting:

The Committee adopted the minutes from the May 29, 2012 meeting.

The Committee discussed the resolution to Adopt the Pinelands Commission's Fiscal Year 2013 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund and the Pinelands Development Credit Purchase Program. The budgets were reviewed in detail with the Committee, including certain notes that authorize budgeted expenditures over \$36,000. Following the discussion, the Committee recommended Commission approval of the resolution, except for one Commissioner who would not vote for a budget that does not include salary increases for all staff.

Financial Updates, including the Check Register and Electronic Funds Transfers for June were reviewed. An update on application fees was also provided.

There was no public comment.

Confidential personnel matters were discussed during closed session.

#### Plan Review Committee

Commissioner Ashmun updated the Commission on action from the June 8, 2012 Plan Review Committee Meeting:

The Committee discussed the Plan Review process. A web page has been created specifically for Plan Review. The schedule of meeting dates for public comment (including an end date for public comment submissions) is forthcoming (today, 7/13).

Larry Liggett delivered several presentations to explain the Plan Review process and to highlight three major projects that will likely be evaluated as part of the 2012 Plan Review:

- PDC use enhancements;
- Implementation of recommendations from the Southern Medford/Evesham Sub-Regional Resource Protection Plan; and
- Recommendations based upon the results of the Kirkwood-Cohansey study.

Commission staff is preparing a list of suggested CMP amendments for potential inclusion in Plan Review. The list will be distributed to Committee members (today, 7/13) for review and discussion.

#### Policy and Implementation Committee Meeting

Chairman Lohbauer updated the Commission on action from the June 29, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the May 25, 2012 meeting.

The Committee recommended Commission certification of Berlin Township Ordinance 2012-1.

The Committee received an update on Pinelands Conservation Fund projects and, in closed session, agreed to an increase to 40% of the certified market value of one large project; the program's contribution is normally 33.3%. The Committee also agreed to announce a new funding round, with applications due to Conservation Resources, Inc. by September 30, 2012.

The Committee recommended a one-year extension at the current cost (\$16,000) of the agreement with the Green Acres Program for administering the Limited Practical Use land acquisition program.

### Audit Committee

Chairman Lohbauer said that the Audit Committee received the report of the State Auditor (Fiscal Year 2011), and there were no findings. The report will be released to the public soon.

Commissioner Haas said that the scope of work for the audit is quite intense. The audit is done by four Auditors who spend three months at the Commission. The Auditors did not find any issues.

Commissioner Ficcaglia said that there were issues in the past that have been overcome, which is good news.

Commissioner Witt commended Nancy Wittenberg, Donna Connor and staff for the great job they have been doing with the audit.

Ms. Wittenberg said there will be a resolution to accept the FY 2011 Audit Report, during next month's Commission meeting.

### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- She and Ed Wengrowski attended a landfill assessment meeting with DEP. USGS has hired someone to support this project, and DEP has been very forthcoming with their files. The project is moving forward.
- All staff attended Ethics training.
- Thus far, select staff members have been involved in two internal meetings regarding Plan Review and continue to work on the list of issues.
- The efficiency study will start on July 18. The study, also referred to as Lean management, will take about a year to complete.
- On July 31, the Newly Elected Officials Orientation will be held in conjunction with the Pinelands Municipal Council meeting here in New Lisbon.
- The extension of the Permit Extension Act passed both houses at the end of the past legislative session. Ms. Roth and Ms. Wittenberg worked to get the language changed to address Pinelands issues. The last step is for the Governor to sign the bill.  
Ms. Roth said that the Act is now internally inconsistent and inconsistent with the CMP.
- The Writing Committee, which was formed after staff received writing training in December, continues to work on improving many forms of Commission correspondence.
- Lastly, the most recent letter sent to DEP concerning Southern Pine Beetle suppression activities allows for the removal of wood, rather than cut and leave on approximately 20 acres.

Mr. Larry Liggett updated the Commission on the following:

- Staff continues to work with DEP and the Counties on the Water Quality Management Plans. Currently, we are setting up processes to ensure that the management lines are maintained. Paul Tyshchenko will be working on this initiative.
- There are plans to improve two exits on the Garden State Parkway in the vicinity of Stockton College. Staff will be working with Atlantic County in conjunction with the New Jersey Turnpike Authority, to obviate the secondary impacts associated with exit 44.
- Jackson Township went to court and had a portion of its own ordinance declared invalid in the Regional Growth Area. The ordinance provisions that are now invalid allowed for higher residential density and PDC use as a condition use. This presents an issue for the Commission as there are now no PDC requirements.
- Ms. Roth is working with the college's legal counsel to finalize the language of the Stockton MOA.

Ms. Wittenberg added that she will be meeting with Commissioner Martin next week on a number of issues and will discuss the Water Quality Management Plan MOA.

Mr. Chuck Horner updated the Commission on the following:

- On June 28, the Town of Hammonton conducted a meeting to discuss an approach to resolve a flooding problem in the downtown area caused by buildup of sedimentation in Cedar Creek. Town and County officials along with DOT, DEP and Commission staff were present at the meeting. Each agency indicated their requirements and Hammonton will be submitting an approach to the matter in the near future.
- South Jersey Gas recently came in for their second pre-application meeting regarding their proposal to install a gas line to serve the currently coal-fired B.L. England Generating Station. The plant is outside of the Pinelands Area. South Jersey Gas has submitted three alternatives of the gas main route, but a formal application has yet to be submitted. Gas lines in the Forest Area are not permitted so this remains an issue. South Jersey Gas will be coming in again to further discuss the proposal. Mr. Horner provided a brief regulatory history, explaining that the CMP requires utility lines in the Pinelands need to serve the Pinelands in order to be approved.
- The stormwater basin investigation has been complete at the Hamilton Mall and the redesign proposal is currently under review by the different agencies involved.
- Woodland Township has responded to a letter which we sent concerning the grading issues on Prince and Cedar Streets. The Township will be mindful in the future that the level of disturbance needs to be consistent with the public development report.
- Staff provided Woodland Township with some site investigation recommendations regarding the development potential of a parcel the Township owns at the intersection of Routes 70 and 72.

Commissioner Prickett said the letters and correspondence he has read are written very well and that the Writing Committee can only improve what is already there.

#### Public Development Projects and Other Permit Matters

Commissioner Ashmun moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1991-0820.085) (See Resolution # PC4-12-24). Commissioner Jackson seconded the motion.

Commissioner Prickett recused himself from the discussion and left the room.

Mr. Horner said this is a straight forward application for an addition to an existing school in Pemberton Township.

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

Commissioner Prickett returned to the room.

#### Resolutions Relating to Municipal Ordinances

Commissioner McGlinchey moved the adoption of a Resolution Issuing an Order to Certify Berlin Township Ordinance 2012-1, Amending Chapter 129 (Zoning) of the Code of Berlin Township (See Resolution #PC4-12-25). Commissioner Ficcaglia seconded the motion.

Ms. Susan R. Grogan said the ordinance is a rezoning and a change in Pinelands Management Area designations which will add about 45 acres to the Regional Growth Area. The change represents the development that currently exists and is unlikely to result in additional development. No changes have been made to either the resolution or report since the P&I Meeting.

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

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

Ms. Janelle Blackmon, staff representative for CWA Local 1040 said that before the Commission adopts the FY2013 budget, she would ask that wage increases be considered for Commission staff, who have lost approximately 17.5% in give backs in the past five years. *See submitted meeting address and handouts (Disparity between State Workers vs. Pinelands Employees/Salary Comparisons) for additional information.*

#### Miscellaneous Resolutions

Commissioner Haas moved the adoption of a Resolution To Adopt the Pinelands Commission's Fiscal Year 2013 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund and the Pinelands

Development Credit Purchase Program Fund (See Resolution #PC4-12-26). Commissioner Rohan Green seconded the motion.

Ms. Wittenberg delivered a presentation on the FY 2013 Budget, giving a brief overview of the Operating Fund, Kirkwood Cohansey Fund, the Pinelands Conservation Fund and initiatives for this coming year (See slides for additional information).

Ms. Wittenberg said staff continues to share services internally to meet workload. She hopes the efficiency study will provide some insight to resolve this problem. She also mentioned the Commission is in contract negotiations and this budget will have to reflect the outcome of the negotiated contract.

Ms. Donna Connor added that once the Union contract has been finalized, the Commission will vote on a resolution to adopt the contract. If salary increases are part of the contract, the resolution will also reflect a revised FY2013 budget.

Commissioner Jackson said the staff here at the Commission work hard and diligently and do such a wonderful job. He asked if there were a way to lobby for more funds to reward staff.

Commissioner Ficaglia said the Commission has lobbied and tried to get more money for years but does not have the final say.

Commissioner Rohan Green said that all the Commissioners are aware of this issue and know how hard staff work, but wanted to commend Executive Director Wittenberg for the hard work she does in trying to get more funds.

Commissioner Haas said the Commission must follow the lead of the State with contract negotiations.

Ms. Blackmon said that the Union is not using the State contract as the basis for the Pineland's contract, but rather would like to base increases on the Commission's budget.

Chairman Lohbauer said that lobbying in Trenton is no easy feat. He recognized the Commission's situation with losing staff as intolerable. He said that the examples presented today by Ms. Blackmon are another tool to try and get some attention.

Commissioner Jackson said he understood the situation but wanted it on the record that our staff do an impeccable job and deserve more.

Commissioner Prickett suggested composing a resolution recognizing the work of the staff and the monies needed to support this effort.

It was suggested the P&B Committee could work on this.

Commissioner McGlinchey stated he has been in government for more than 40 years, and today he has the opportunity to vote on something he feels passionate about. He said he does not mean any disrespect to his fellow Commissioners or anyone in this room but he cannot and will not vote for today's budget. He said he will not sit by and watch employees at counterpart agencies receive steps and get back furlough days, when our employees do not get those same benefits. He said this has nothing to do with union negotiations; this has to do with fundamental fairness. He said the Commission has its own money, Pinelands Conservation Fund money, to help our staff stay here and show that we support them. He said staff work to support their families, and to see co-workers leave and get 30% raises at counterpart agencies, is disappointing. He cannot support this budget, and will not vote for it.

The Commission adopted the resolution by a vote of 9 to 2, with Commissioners McGlinchey and Commissioner Jackson voting no.

#### Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Egg Harbor Township Ordinances 9-2012, 26-2012 and 27-2012
- Lacey Township Ordinance 2012-15
- Monroe Township Ordinances 0:14-2012, 0:15-2012 and 0:16-2012

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

No one from the public spoke.

#### Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss personnel matters.

Commissioner Rohan Green moved to retire into closed session. Commissioner Prickett seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0.

The Commission met in closed session starting at 10:38 a.m.

#### Return to Open Session

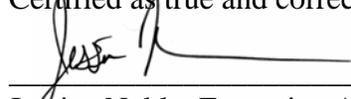
Chairman Lohbauer reopened the public portion of the meeting at 11:15 a.m.

Commissioner Harris introduced his prospective replacement, John W. Piltzecker who is originally from New Jersey. Mr. Piltzecker has been with the National Parks Service for 30 years and currently works out of the Philadelphia office.

Adjournment

Commissioner Jackson moved to adjourn the meeting. Commissioner Earlen seconded. The Commission agreed to adjourn at 11:25 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: \_\_July 20, 2012\_\_