

Disclaimer

These minutes reflect the actions taken by the Commission during its May 11, 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 May 23, 2012.

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

MINUTES

**May 11, 2012**

Commissioners Present

Candace Ashmun, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta via tele-conference, John A. Haas, Gary Quinn, D'Arcy Rohan Green, Bob Jackson, Ed McGlinchey, Richard Prickett, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Authorities Unit Liaison John Cascarano and Deputy Attorney General Kristen Heinzerling.

Commissioners Absent

Rick Harris, Ed Lloyd and Bill Brown

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 12 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 April 13, 2012 Commission meeting minutes, and Commissioner Ficaglia moved the adoption of the minutes. Commissioner Ashmun seconded the motion.

The minutes of the April 13, 2012 meeting were adopted by a vote of 11 to 0, with Commissioner Quinn abstaining.

### Committee Chairs' Reports

#### Personnel and Budget Committee Meeting

Commissioner Haas updated the Commission on action from the May 1, 2012 Personnel and Budget Committee Meeting:

The Committee adopted the minutes from the February 28, 2012 meeting.

The Committee discussed and recommended Commission approval of the resolution to Authorize the Executive Director to Modify the Cooperative Agreement with the National Park Service for Pinelands Monitoring, This is the annual federal funding provided for this long term project. The attached reports were also reviewed by the P&I Committee.

The Committee discussed a contract with USGS for landfill assessment. This was discussed at the P&I meeting and staff wanted to also update the P&B Committee regarding the funding arrangements. Following the discussion, the Committee recommended Commission approval of the resolution.

Staff reviewed Preliminary Financial Projections for the FY 2013 General Fund Budget. This starts the budget process that will continue over the next two months. Staff indicated that both the FY 2012 and FY 2013 projections show budget deficits. Additionally, the Commission staff is down 23 full-time positions, which has made operations difficult.

Financial updates, including Check Registers and Electronic Funds Transfers for March and April, were reviewed. An update on application fees was also provided.

*Commissioner Galletta joined the meeting by telephone.*

### Plan Review

Commissioner Ashmun distributed a document relative to Plan Review, created by the Executive Director.

Commissioner Ashmun stated that after the April 25, 2012 P&I Committee meeting, staff met briefly to discuss the next steps of the Plan Review Committee.

Due to resource constraints, Commissioner Ashmun stated that the Committee will be focusing on key issues of the Comprehensive Management Plan. The Plan Review Committee will be meeting with various focus groups, such as Pinelands Municipal Council and others. A meeting to discuss next steps was to be held immediately following today's Commission meeting.

#### Policy and Implementation Committee Meeting

Chairman Lohbauer updated the Commission on action from the April 27, 2012 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the March 30, 2012 meeting.

The Committee recommended that the Commission approve the following:

Egg Harbor City Ordinance 5-2012 – response to CMP amendments related to forestry, wetlands management and clustering;

Town of Hammonton 2011 Master Plan Reexamination Report, Amendments to the Land Use Element of the Town's Master Plan and Ordinance 023-2011 adopting a Downtown Code and Revised Zoning Map; and

New Jersey State Office of Information Technology's Comprehensive Public Safety Tower Plan for Pinelands.

Chairman Lohbauer advised that a lengthy discussion took place concerning the Tower Plan, and the Executive Director added language into the report that addressed the concerns raised.

The Committee recommended that the Commission authorize the Executive Director to enter into an agreement with the United States Geological Survey (USGS) to include matching funds from USGS to assist the Commission in performing a rapid assessment of uncapped landfills within the Pinelands Area.

The Committee received a presentation by staff and by the Pinelands Preservation Alliance on Kirkwood/Cohansey water supply policies. This will be an ongoing subject.

Chairman Lohbauer mentioned that Commissioner McGlinchey contacted him this past week with a suggestion regarding how the Commission votes on resolutions. Chairman Lohbauer stated he would discuss the consideration of a single vote for resolutions on a "consent agenda" with staff and the Commission's DAG.

#### Executive Director's Reports

Ms. Nancy Wittenberg updated the Commissioners on the following:

- Staff met with the Governor's Authorities Unit. The Authorities unit has a new Director, and the Commission has a new liaison. The meeting provided a good opportunity to educate and brief them on the Commission.
- Attended the Assembly Budget hearing for DEP, since the Commission's budget is incorporated with the DEP's budget.
- A public hearing took place on April 18, 2012 regarding the Robert Miller Airpark MOA. The hearing drew about 150 people.
- The workplace efficiency contract has been awarded, and work will start in July. The goal is to improve the way we do things, to be better, smarter and more efficient with the resources we do have, and survive the scrutiny the Commission encounters every day. We are in no way reducing staff and we hope the study will help us better utilize the staff we do have.
- Spoke in Atlantic City at the Annual NJ Concrete and Aggregate Association (NJCAA) Convention.

Mr. Chuck Horner updated the Commission on the following:

- It is anticipated that the Burlington County Route 530 application will be on the Commission's June agenda.
- Staff issued a letter to the NJ DOT, authorizing emergency work on 31 existing stormwater swales that were originally constructed for the Rt. 72 widening project.
- Mr. Horner acknowledged Commissioner Witt's assistance with Gloucester County signing the streamlining MOA. A total of five counties have signed the MOA, with hopes to have Cape May and Cumberland Counties sign shortly.

Mr. Larry Liggett updated the Commission on the following:

- The four new alternate design septic systems have submitted full packages to the Commission. We will be publishing notice in the New Jersey Register as soon as the DEP issues a generic treatment works approval.
- The New Jersey Chapter of the American Planning Association awarded a grant to Maurice River Township, which will fund an economic development study. Staff will be providing data to assist with this project.
- Numerous staff members met with the DEP on a new project involving the connectivity of preserved lands. The Commission will participate on the working committee to the extent our resources allow.
- A final draft of the Stockton MOA is almost complete and will be on an upcoming P&I Committee agenda.

Ms. Susan R. Grogan updated the Commission on the Pinelands Development Credit Bank:

- The Bank Board meeting scheduled for May 17, 2012 has been cancelled due to conflict with the Chairperson's schedule.
- The Bank has been experiencing increased activity. The Bank staff have been processing a lot paperwork which means new severances and sales are occurring, although prices still remain low. There has been much interest in Letters of Interpretation as well.

- As the fiscal year is coming to a close, the next step will be to issue an annual report, of nearly a year of the Commission staff administering the PDC Bank program.

#### Public Development Projects and Other Permit Matters

Commissioner Earlen moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-1303.009, 1983-5250.014, 1991-0779.010, 2004-0116.001, 2007-0301.003 & 2012-0010.001) (See Resolution # PC4-12-11). Commissioner Rohan Green seconded the motion.

Commissioner Prickett asked a question regarding Application #2004-0116.001 (Ridgeway Blvd. road improvement project) and if there is any way he can evaluate the effectiveness of the Commission's "Best Management Practices for Pine Barrens Roadside Plant Communities" program, specifically in Ocean County.

Mr. Horner advised that the current Memorandum of Agreement between the Commission and counties does not require formal monitoring. The Commission relies on each County to undertake certain activities in accordance with the MOA. It would be a significant undertaking for staff to monitor ongoing maintenance activities of county roads. In the past we have relied on spot checking. Equally valuable is that members of the public and conservation groups report issues that they identify with mowing occurring during the wrong times of the year.

The Commission adopted the resolution by a vote of 12 to 0.

#### Resolutions Relating to Municipal Ordinances

Commissioner Ficcaglia moved the adoption of a Resolution Issuing an Order to Certify Ordinance 5-2012, Amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City (See Resolution #PC4-12-12). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0.

Commissioner Rohan Green moved the adoption of a Resolution Issuing an Order to Certify the 2011 Master Plan Reexamination Report of the Town of Hammonton, Amendments to the Land Use Element of the Master Plan, and Ordinance 023-2011, Amending Chapter 175 (Land Use and Development) of the Code of the Town of Hammonton (See Resolution #PC4-12-13). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

#### Other Planning Resolutions

Commissioner Jackson moved the adoption of a Resolution to Authorize the Executive Director to Enter into an Agreement with the US Geological Survey (USGS) to Include

Matching Funds from the USGS to Assist the Commission in Performing a Rapid Assessment of Uncapped Landfills Within the Pinelands Area (See Resolution #PC4-12-14). Commissioner Rohan Green seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Commissioner Rohan Green moved the adoption of a Resolution Issuing an Order to Approve the Comprehensive Public Safety Tower Plan for Pinelands (See Resolution #PC4-12-15). Commissioner Haas seconded the motion.

Mr. Liggett stated that the CMP was changed to allow cell towers based on the Telecommunications Act of 1996, passed by the federal government. The Commission cannot stop the towers from being installed in the Pinelands region. This is an important goal of the federal government, national defense and public safety, and the Act has been upheld by federal courts. The Commission cannot stop the towers from being installed, but can regulate siting and other issues.

Ms. Roth advised that there was a recent amendment to the Telecommunications Act, specifically pertaining to emergency systems.

Mr. Paul Tyshchenko made a presentation on the OIT's safety tower plan, which proposes nine new tower sites. The plan also includes 41 local communication facilities on previously approved sites, for a total of 50 sites. (see attached slides for further details)

Ms. Ashmun said the Executive Director has tried to meet Commissioners' objections within the resolution, however, it's bad planning to put a dot on the map for something we cannot possibly approve.

The Commission adopted the resolution by a vote of 11 to 1, with Commissioner Ashmun voting no.

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

Ms. Theresa Lettman, Pinelands Preservation Alliance, expressed her disappointment that the economic monitoring program does not move forward as timely and efficiently as the environmental monitoring. In order for the data to be usable and effective it has to be just as consistent and reliable as the environmental monitoring.

#### Miscellaneous Resolutions

Commissioner Ashmun moved the adoption of the Resolution To Authorize the Executive Director to Modify the Cooperative Agreement with the National Park Service for Pinelands Monitoring (See Resolution #PC4-12-16). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 12 to 0.

Ordinances Not Requiring Commission Action

The following ordinances required no action:

- Buena Borough Ordinance 589
- Lacey Township Ordinance 2012-04, 2012-05 & 2012-06

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

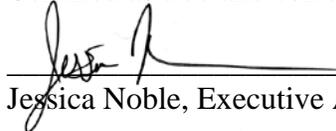
Mr. Fred Akers, of the Great Egg Harbor Watershed Association, said that he recently attended the 25<sup>th</sup> anniversary of recycling, an event sponsored by Atlantic County Utilities Authority. Commissioner Haas was in attendance and served as a moderator. Mr. Akers noted that it took the Pinelands Commission decades to create a National Park Service unigrid brochure. He distributed them at the event and they were very well received by the public. Mr. Akers advised that he will be attending a Pinelands-related event at Stockton College on Saturday centered around John McPhee, at which he will again pass out the Pinelands brochures.

River herring are being caught (in fish nets) as by-catch in their migratory journey. As of this year, in New Jersey you can no longer catch or possess river herring, although this is not helping the population. A recent stock assessment of river herring has confirmed dangerously low numbers. He advised the Commission of a new fish ladder that was recently pointed out to him at Cumberland Pond.

Adjournment

Commissioner Haas moved to adjourn the meeting. Commissioner Ficcaglia seconded. The Commission agreed to adjourn at 10:39 a.m.

Certified as true and correct:

  
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Jessica Noble, Executive Assistant

Date: \_\_May 18, 2012