

# PINELANDS DEVELOPMENT CREDIT BANK

20 West State Street  
Trenton, NJ

## Minutes

July 17, 2008

- Meeting Location: 20 West State Street, Room 223, Trenton, NJ
- Members Present: Terry K. McEwen, Commissioner's Chair Designee  
Guillermo Vivas, Executive Director, Pinelands Development Credit Bank  
Assistant Attorney General Gerard Burke, Alternate Designee  
Brian Smith, Esq., Alternate Department of Agriculture Designee  
Daniel M. Kennedy, Pinelands Commission Designee  
Fawn McGee, NJDEP Commissioner's Designee  
Edward J. McGlinchey, At Large Member  
Robert C. Shinn, At Large Member
- Members Absent: None
- Others Present: None
- Others Absent: Helene Chudzik, Deputy Attorney General, Department of Law and Public Safety (Board Counsel)

Chairman Terry McEwen called the meeting to order at 2:05 p.m. and read the Statement of Compliance with the NJ Open Public Meetings Act.

### **Reading and Approval of Minutes:**

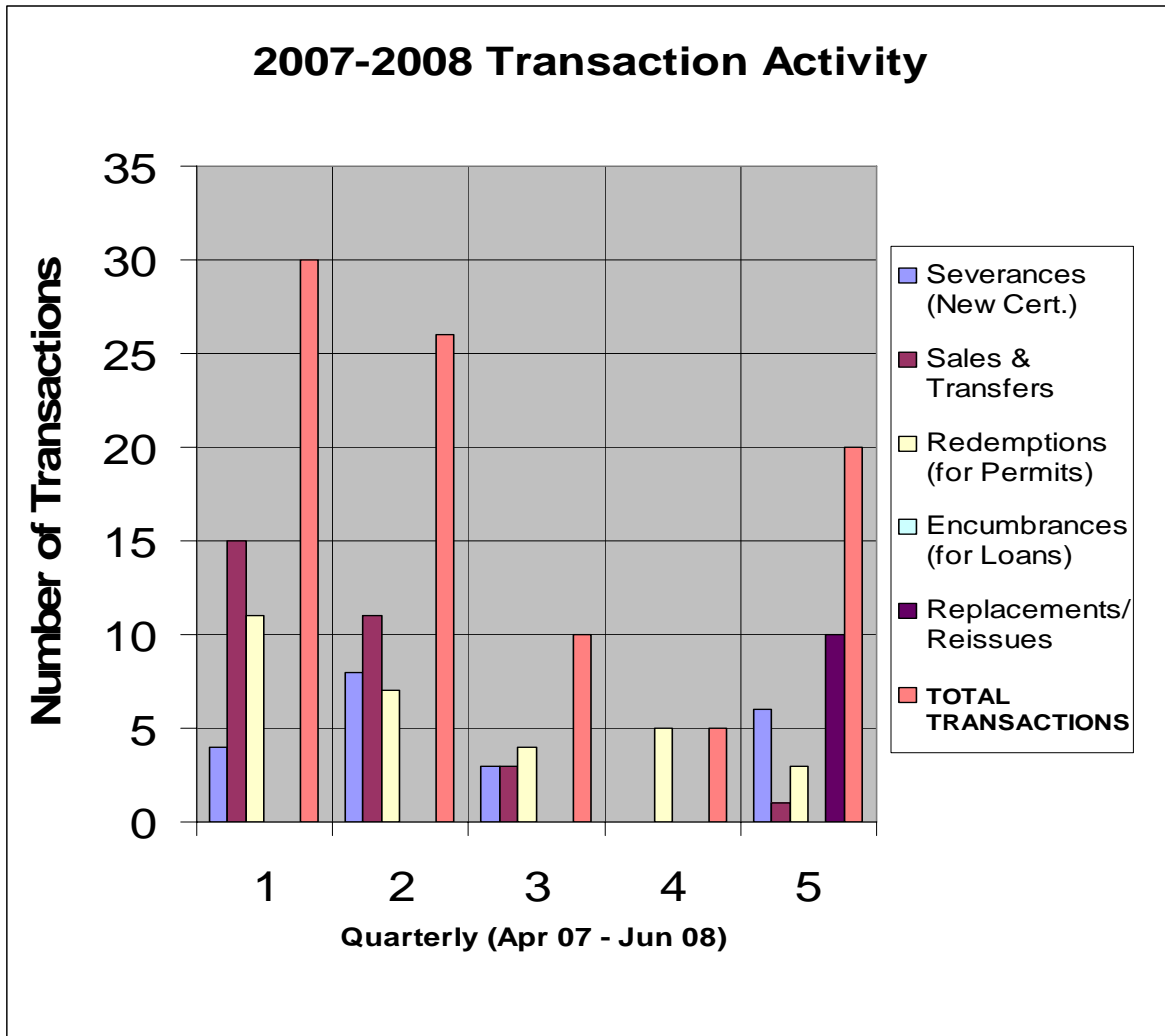
Chairman McEwen called for a motion to accept the minutes of the regular meeting held on April 17, 2007. (There were no meetings since April, 2007, due to lack of quorum.) Mr. Smith moved for approval (with minor corrections) and Mr. O'Reilly seconded the motion; motion carried. (Mr. Kennedy, Mr. Shinn and Mr. McEwen abstained.)

### **Executive Director's Report:**

- Mr. Vivas reported that there are 10 applications for new PDC severances under review. All sales and redemptions are current and no backlog exists.
- We continue to clean-up the existing data in PDC Tracking. The data from the early years of the program is inconsistent and has to be checked out against the actual files.
- For the period covering April 1 through June 30, 2007, the PDC Bank processed applications as indicated on the following chart distributed to the Board that illustrates trends, such as the decline in activity (corresponding to recent trends in the real estate market, rise in interest rates and stock market activity).

**Pinelands Development Credit Bank**  
*Application Activity 2007-2008*

	Apr-Jun 2008	Jul-Sep 2007	Oct-Dec 2007	Jan-Mar 2008	Apr-Jun 2008
Severances (New Cert.)	4	8	3	0	6
Sales & Transfers	15	11	3	0	1
Redemptions (for Permits)	11	7	4	5	3
Encumbrances (for Loans)	0	0	0	0	0
Replacements/Reissues	0	0	0	0	10
<b>TOTAL TRANSACTIONS</b>	<b>30</b>	<b>26</b>	<b>10</b>	<b>5</b>	<b>20</b>



**ACRES PROTECTED in 2007: 1,204.27ac; TO DATE in 2008: 143.45 ac.**

PREPARED BY: GUILLERMO VIVAS, EXECUTIVE DIRECTOR

LAST UPDATED: 7/8/2008

- The PDC Bank office continues to operate without any secretarial/clerical staff. There may be an opportunity to obtain one person through a transfer from DOBI.

**Business of the Board:**

- The PDC Bank continues to have two at-large member vacancies. There have been resumes submitted to the Appointments Office at the Statehouse but nothing has happened yet. With the two recent appointments, the Board now has the same number of vacancies that it had five years ago.
- Mr. Shinn initiated discussion about the existing lack of monitoring of open space and deed restricted properties. Discussion ensued about providing municipalities with the recorded deed book and page number for enforcement of the use restrictions. Mr. McGlinchey suggested that perhaps there would be a way for the Pinelands Commission to provide electronic mapping to the municipalities so that they could layer it on their maps. Mr. Kennedy suggested that we ask the Pinelands Commission's MIS Manager, John LaMacchia, to attend the next meeting to discuss with the Board what data exists and how it can be put to use.
- Mr. Vivas explained that the Bank's Rules are due to expire in a few months and that the Legislative section of the Department of Banking & Insurance (DOBI) had been diligently assisting with the preparation of the necessary documents for the re-adoption of the Rules. Frank O'Shea (of DOBI Legs & Regs), DAG Helene Chudzik, David Eber (DOBI Legislative Liaison), and Guillermo Vivas have previously met to discuss what steps needed to be taken, for the readoption of the rules.

There was also extensive discussion about the possibility of holding an auction in the near future to sell some of the Pinelands Credits currently owned by the Bank. Mr. Shinn suggested that it may be worthwhile to consider bringing private sellers into the auction as well. Some members expressed concerns over meeting the requirements of the Statutes for holding an auction. Mr. Burke asked the record to reflect that the Board needs to meet the required legal findings before it can justify holding an auction to sell PDCs.

Since the period for comment on the proposed Rules has not yet ended, but the Board will not meet again until after that period ends, Mr. Burke made a motion that the proposed Rules be approved, provided there is no substantial comment received by the deadline. Mr. Smith seconded the motion, and the motion was carried on a unanimous affirmative vote.

Mr. Kennedy and Mr. McGlinchey also discussed the importance of finding out exactly how far development projects under review by the Pinelands Commission are coming along in order to justify the need for holding an auction. They asked Mr. Vivas to contact Sue Grogan, Chief Planner at the Pinelands Commission to obtain information about the current need and extent of the need for PDCs for development projects. It was also suggested that if necessary, a special meeting of the Board could be arranged via teleconference.

**Other Business:**

- None.

**Adjournment:** The meeting was adjourned at 3:20 p.m. on a motion by Mr. Shinn, seconded by Mr. McGlinchey, and a unanimous affirmative vote.

Respectfully submitted,

Guillermo Vivas  
Executive Director