

Disclaimer

These minutes reflect the actions taken by the Commission during its August 8, 2008, Part II 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 August 15, 2008.

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

Minutes

**August 8, 2008**

Commissioners Present

Candace Ashmun, Guy Campbell, Paul E. Galletta, John A. Haas, Robert Jackson, Daniel M. Kennedy, Stephen Lee, III, Edward Lloyd, Robert McIntosh, Norman F. Tomasello, Francis A. Witt, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Amy Donlon.

Commissioners Absent

William Brown and Leslie M. Ficcaglia

Chairperson Wilson called the meeting to order at 9:30 a.m.

Deputy Attorney General Donlon read the Open Public Meetings Act Statement.

Mr. Stokes called the roll.

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

Minutes

Chairperson Wilson presented the July 11, 2008 Part II open and closed session meeting minutes. Commissioner Lloyd moved the adoption of the minutes. Commissioner Campbell seconded the motion.

Commissioner Lloyd referred to page PC2-106, third line from the bottom of the third paragraph, and stated that the words “at least” should be substituted for the words “at last.” The sentence should read, “Mr. Liggett requests that the resolution be held for at least a month so it can be further discussed at the next PLP Committee meeting.”

With Commissioners Lloyd and Campbell accepting the change, the Commission adopted the minutes by a vote of 11 to 0. Commissioner Galletta abstained from voting on the minutes since he was not present for that meeting.

### Committee Chairs' and Executive Director's Reports

#### CMP Policy and Implementation Committee Meeting

Chairperson Wilson reported that the CMP Policy and Implementation Committee met on July 25, 2008. The Committee deferred action on the minutes of the June 27, 2008 meeting pending revisions.

The Committee recommended certification of the stormwater plans and ordinances submitted by Corbin City, Port Republic, Medford and Washington Townships.

The Committee received an initial presentation by the Planning Office on its analysis of the Ecological Integrity Assessment and its process for recommending management area boundary changes.

#### Personnel and Budget Committee Meeting

Commissioner Witt reported that the Committee met on July 31, 2008 and adopted the minutes from the July 3, 2008 meeting.

The Committee discussed the resolution to Approve the Pinelands Commission 2007 Annual Report. Mr. Paul Leakan noted that the Annual Report and the Annual Operations Report, which is required by EO37, were combined this year. He reviewed the report with the Committee and Donna Connor and John Stokes provided additional information.

The Committee discussed the FY 2009 salary increase recommendations. These recommendations include the amount budgeted for merit increases during FY 2009 and the policy for distribution of the increases. The Committee approved the recommendations including a slight change that was discussed at the meeting.

The Check Register and Electronic Funds Transfer (EFT) Disbursements for July 2008 were reviewed. Information on the checks and electronic fund transfers was provided.

The Committee reviewed employee actions. Ms. Connor reported that Dr. Robert Zampella will be retiring effective December 1<sup>st</sup>. Mary Irvine has resigned effective August 14 and Michael Yaffe's part-time hours have been increased.

The Committee received an update on the Fenwick Manor renovations. Ms. Connor discussed the status of the project and funding needed according to the latest project cost analysis. Chairperson Wilson asked Mr. Stokes to determine whether the project is still needed.

The Committee received an update on application fees; \$19,450 was received during July.

A closed session was held and an update pertaining to the CWA negotiations was provided by Mr. Stokes. Also discussed was the Executive Director's performance evaluation process along with the results of the employees' performance evaluations.

#### Permanent Land Protection Committee Meeting

Commissioner Ashmun reported that the Permanent Land Protection Committee met on July 25, 2008, and adopted the minutes from the May 30, 2008 Committee meeting.

The Committee received an update from Conservations Resources, Inc. (CRI) in both open and closed sessions, regarding the status of the Pinelands Conservation Fund and the acquisition efforts by CRI.

The Committee voted to authorize the issuance of a check prior to closing for the Brilla property.

The Committee voted on three grant extensions.

Larry Liggett presented an update on acquisition and planning efforts in the Medford/Evesham Area. David Kutner and Tom Czerniecki, Evesham Township Manager, put together a schedule for future applications for PCF funding.

There was a public comment from Terry Caruso, NJDEP Green Acres Program, regarding her comments from the minutes from the May 30, 2008 meeting.

#### Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee met on July 28, 2008.

The Committee discussed the following items:

Municipal Fiscal Stress - Staff economist Tony O'Donnell provided the Committee members with a copy of the draft report, Municipal Fiscal Health Special Study, and gave a PowerPoint presentation detailing the findings of the report. The report will be presented to the Pinelands Municipal Council and various other concerned groups and State agencies to obtain feedback. Once finalized, Commission staff indicated that the results of the model could potentially be used to develop methods to calculate financial aid or other resources to alleviate the strain on fiscally-stressed municipalities.

Garden State Parkway Widening MOA - Regarding stormwater management, Commission staff

indicated that the Turnpike Authority had completed all of the necessary field work and had submitted a revised stormwater management plan; that information is currently under review. Commission staff indicated it would update the Committee regarding secondary impacts at its next meeting.

Reappointment of Pinelands Educational Advisory Council Members - The Committee unanimously recommended reappointment of Michael Fowler and Bill Dunscombe to the Pinelands Educational Advisory Council.

Public Programs Projects - The current curriculum guides were created in the 1980s and adapted for online use in the 1990s for Grades 4-6 and Grades 7-8. There is a serious need to update and enhance the guides. Commission staff will be seeking funding for the project through both partnerships and grants.

The Richard J. Sullivan Center as an educational resource for the public - The Pinelands Speaker Series was first established last summer as one of the first steps to use the Center as an educational resource. The next step would be for Commission staff to convert the room behind the receptionist's desk to a Pinelands information and research center for the public. In the future, if appropriate funding is obtained, there is a plan to establish a small visitor's center/museum with interpretive panels, signs and information in the technical center.

Broadening County/Municipal Public Development Streamlining MOAs - The staff review of existing municipal and county streamlining MOAs identified 11 minor development projects that could be reviewed by Commission staff rather than as part of a Public Development Application at a full Commission meeting. Large public development applications, such as new schools, should continue to be reviewed by the full Commission. The Committee requested that Commission staff attempt to draft a sample MOA for the Committee's review.

Legislative/Rule Making Update - The Committee received an update on the affordable housing bill which was signed by the Governor and the Permit Extension Act (not yet signed). Also, the staff will be commenting the State planning rule proposal that would change the meaning of "plan endorsement;" and the Council on Affordable Housing (COAH) rules for the appropriate treatment of Pinelands Management Areas to maintain consistency with the CMP.

#### Executive Director's Report

Mr. Stokes reported on the following items:

Mr. Stokes introduced DAG Amy Donlon to the Commission indicating that she was substituting in DAG Haynes' absence. He further noted that DAG Haynes' retirement date has been extended and she will continue to serve as DAG to the Commission for an extended period of time.

Mr. Stokes thanked Stacey Roth for working with Senator Lautenberg's office as well as other state officials in trying to advance a bill that would make it clear that states have the ability to regulate waste transfer facilities. That bill has now passed the Senate.

Several weeks ago National Public Radio (NPR) aired a story on fires in Pinelands. Mr. Kutner and Mr. Leakan played fairly significant roles in this story. If the Commission has not yet heard the story, Mr. Mott has set up a link to NPR in the Library.

Mr. Liggett, Mr. Deman and he had an opportunity to tour the Federal Aviation Facility Technical Center earlier this week. A number of opportunities were discussed in which the Commission may be able to partner with the Center.

The last Pinelands Speakers presentation of the season entitled "People of the Pines" will be held on August 14, 2008 at the RJS Center.

On September 20, 2008, A Pinelands Friendly Yard and Garden Fair on native gardening will be held at the Cedar Run Wildlife Refuge in Medford Township.

Staff briefed the Permanent Land Protection Committee on the status of the Medford/Evesham plan. The Township's manager indicated what the Township's commitments were and the PLP Committee agreed to recommend to the Commission that it not act on the resolution which was tabled at the last Commission meeting. That resolution will remain on the table for a couple of more months. The Township will be reporting back to the PLP Committee at both of its two upcoming meetings on it progress.

A closed session will need to be held today to discuss CWA contract and personnel matters.

Dr. Zampella has announced his retirement, effective at the end of November. Mary Irvine from the Regulatory Office has resigned effective August 14 to pursue a nursing career. Staff will be discussing whether or not to fill those positions with the Personnel and Budget Committee.

Mr. Robert Shinn, former Vice-Chairman of the Commission and DEP Commissioner and now a member of the Pinelands Development Credit Bank Board, will be coming in this afternoon to meet with several Commission members and staff to discuss Pinelands Development Credits.

Mr. Horner reported on the following items:

The Commission received a letter that staff sent to the New Jersey Department of Transportation dated July 29 pertaining to improvements and rehabilitation of the Atsion Lake Dam. Staff received a letter from DEP indicating that immediate action was necessary on that dam for public safety. After consulting with Chairperson Wilson, which the Commission's regulations required, staff sent out a letter indicating that the certain activities that DOT wishes to undertake are approved. These activities are currently being undertaken.

Staff worked closely with the Mayor of Weymouth Township over the last 10 days on an old project called the Oaks of Weymouth and a condition that was placed on that application where 500 dwelling units were proposed to have stone driveways. Since one of the residents is having

health problems, staff and the Township found a way to allow the driveway to be paved. The Township is fully aware that driveways are not to be paved in general.

Mr. Horner introduced staff member Rhonda Ward who works in the Regulatory Programs office to the Commission. Ms. Ward stated that she is an Environmental Specialist and reviews both public and private development actions.

Mr. Liggett reported on the following items:

The Commission received the Annual Septic Report on the pilot alternate septic system program. The Commission started off with five systems, one being removed last year. The other four systems are currently being operated. Next year, staff will prepare a comprehensive report on the program and review program options with the CMP Policy and Implementation Committee.

Mr. Liggett attended the Pinelands Municipal Council meeting and heard a presentation from a representative of Lakehurst. The Lakehurst Navel Center is working very diligently around the edges of the base to ensure that the zoning is compatible. Partnerships are being formed to purchase some of the lands next to the base which will result in both conservation and more compatible land use. Jackson Township has taken note of this and has come in and requested Commission staff to relook at the Regional Growth Area because they believe it is too noisy for people to live there. Staff is examining this issue.

The Commission has received a flyer and registration form for an upcoming conference on landfill capping entitled "Alternative Covers for Landfills-Theory, Design, and Practice" which will be held in Trenton on September 16-18, 2008. The flyer will be sent to all municipal and county officials. The conference should be very interesting and will be an opportunity to explore alternatives.

Chairperson Wilson asked if the workshop is sponsored by DEP.

Mr. Stokes replied that the Commission initiated the workshop last fall with DEP as a co-sponsor.

Chairperson Wilson commented on the hefty fee and asked if anyone is eligible to attend.

Mr. Liggett replied that anyone is eligible to attend the workshop.

Chairperson Wilson stated that this is a wonderful workshop and is part of a national effort to educate people about this issue. She said that she is concerned that the cost may not allow some people to attend and asked staff to do what it can to encourage special consideration for those individuals.

#### Public Comment on Agenda Items

Mr. Rich Bizub, Pinelands Preservation Alliance, referred to the memorandum on business practices and stated that PPA believes that some of those enhancements are reasonable, but some

raise fundamental questions about the protection of Pinelands resources. He said that PPA will be preparing and providing the Commission with a memorandum about its concerns on some of the items.

### Development Review Matters

#### Review of Public Development Projects

Mr. Stokes stated that Application Numbers 2008-0094.001, New Jersey Division of Parks and Forestry, 19980-0068.002, New Jersey Division of Parks and Forestry, 1985-0104.009, Evesham Municipal Utilities Authority, 1985-1071.006, Atlantic County and 2004-0548.001, Egg Harbor City School District, are applications for public development recommended for approval with conditions.

Mr. Stokes stated that former employee, Andy Windisch is present today from the Division of Parks and Forestry, Office of Natural Lands Management, and can answer any questions the Commission may have on this application.

Commissioner Tomasello moved the adoption of the Resolution Approving With Conditions Applications for Public Development (Application Numbers 1980-0068.002, 1985-0104.009, 1985-1071.006, 2004-0548.001 & 2008-0094.001). (See Resolution #PC4-08-69 attached). Commissioner Ashmun seconded the motion.

Commissioner Lee referred to page 3 of the report for the New Jersey Division of Parks and Forestry application relating to Broom Crowberry and asked if the type of burn that is being proposed by the Forest Fire Service is less intense than the routine prescribed burning.

Mr. Windisch stated that the Department has applied to the Commission to conduct activities to maintain and enhance populations of the endangered plant species "Broom Crowberry." He commented on the types of burning done in different locations of the Pinelands. He said that in the Pine Plains, particularly around Warren Grove Range, they do a higher intensity burn which is effective in reducing fuel, but does harm to the Broom Crowberry plant which is sensitive to the higher intensity fires. He said that the Department is proposing to mechanically thin back the brush and reduce it to a much lighter fuel type that can burn in a less intense fire, and open the pine plains canopy to encourage expansion of the plant.

Commissioner Lee stated that prescribed burning is an important part of maintaining the Pinelands and the more that the Commission can learn about it and learn about how to protect various plants after burning is essential.

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

Mr. Stokes stated that Application Number 2008-0033.001, Town of Hammonton, is an application for public development recommended for approval with conditions.

Commissioner Tomasello moved the adoption of the Resolution Approving With Conditions an Application for a Public Development (Application Number 2008-0033.001). (See Resolution #PC4-08-70 attached). Commissioner Campbell seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Galletta was not present for the vote.

Mr. Stokes stated that Application Number 1980-0066.004, New Jersey Department of Transportation, is an application for public development and a Certificate of Appropriateness recommended for approval with conditions.

Commissioner Lee moved the adoption of the Resolution Approving With Conditions an Application for Public Development and a Certificate of Appropriateness (Application Number 1980-0066.004). (See Resolution #PC4-08-71 attached). Commissioner Jackson seconded the motion.

Mr. Horner informed the Commission that Janet Fitzpalty from the Department of Transportation is present at the meeting today.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Galletta was not present for the vote.

Mr. Stokes stated that Application 2007-0378.001, Joseph Chicco, is an application for a waiver of strict compliance recommended for denial.

Commissioner Lloyd moved the adoption of the Resolution Denying an Application for a Waiver of Strict Compliance (Application Number 2007-0378.001). (See Resolution #PC4-08-72 attached). Commissioner Ashmun seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Galletta was not present for the vote.

#### Other Development Review Matters

Chairperson Wilson stated that there were no PDC Letters of Interpretation issued this month. She said that there was one recreation permit issued this month.

#### Resolutions Relating to Municipal Ordinances

Mr. Stokes presented the Resolution Issuing an Order to Certify the June 2008 Stormwater Management Plan and Ordinances 7-2007 and 7-2008, Amending Chapter 82 (Pinelands Area) of the Code of Corbin City (See Resolution #PC4-08-73 attached).

Commissioner Lloyd moved the adoption of the resolution. Commissioner Campbell seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify the May 2008 Stormwater Management Plan and Ordinance 2008-7, Amending the Land Development Ordinance of Medford Township. (See Resolution #PC4-08-74 attached).

Commissioner Ashmun moved the adoption of the resolution. Commissioner Witt seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify the May 2007 Stormwater Management Plan and Ordinance 01-2008, Amending the Code of the City of Port Republic (See Resolution PC4-08-75 attached).

Commissioner Galletta moved the adoption of the resolution. Commissioner Jackson seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify Ordinances 2007-02 and 2007-05 of Washington Township. (See Resolution #PC4-08-76 attached).

Commissioner Jackson moved the adoption of the resolution. Commissioner Kennedy seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

#### Other Resolutions of the Commission

Mr. Stokes presented the Resolution To Approve the Pinelands Commission 2007 Annual Report. (See Resolution #PC4-08-77 attached).

Mr. Stokes stated that an annual report is issued every year pursuant to the Pinelands Protection Act. Several years ago Governor Corzine issued Executive Order #37 which directs independent authorities to do certain things. One of those things was that the independent authorities prepare an annual operation report. Last year, Chairperson Wilson suggested combining the two reports as a cost saving measure. This has been done and is what is before the Commission.

Commissioner Ashmun moved the adoption of the Resolution. Commissioner Campbell seconded the motion.

Commissioner Lee said that the resolution calls attention to economic growth strategies but he cannot locate it in the report.

Mr. Stokes explained how the report was prepared and pointed out where Commissioner Lee could find the economic growth strategies.

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

Commissioner Lloyd stated that it might be helpful to explain what the economic strategies are next time.

Mr. Stokes stated that Ms. Young will relay that suggestion to Mr. Leakan and Ms. Connor.

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

#### Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Buena Borough Ordinance 559, Egg Harbor City Ordinances 2-08 and 8-08, and Egg Harbor Township Ordinances 17-2008, 18-2008 and 19-2008 are ordinance amendments that do not raise a substantial issue with regard to the provisions of the Comprehensive Management Plan. The Commission took no action on the ordinance amendments allowing them to take effect.

#### Public Comment on any Matter Relevant to the Commission's Statutory Responsibilities Other Agenda Items

Mr. Fred Akers, Great Egg Harbor River Association, commented on ATVs and Senate bills S-823 and S-2055. He stated that the Pinelands Preservation Alliance, New Jersey Conservation Foundation and others are working with legislators on this important matter. He asked for Commission support on these bills. He commented on a Motor Sports Park which has opened and has a go cart track which is getting a lot of promotion. He sees this as an alternative for off road vehicles and feels it should be promoted.

#### Other Agenda Items

##### Presentations on Business Practices

Mr. Stokes stated that he had asked Mr. Liggett and Ms. Grogan from the Planning Office and Mr. Horner and Ms. Young from the Regulatory Programs Office to take a close look at the way the Commission conducts its business and identify ways it can become more efficient and more effective in what it does and how it does it.

##### Regulatory Programs Office

Mr. Horner briefed the Commission and discussed efficiency enhancements and proposed changes in the application review process (see presentation attached).

The Commission discussed information technology enhancements (hardware/software) and the ability to piggyback with DEP on some of these enhancements. The Commission also discussed defining what is "significant" to the Pinelands and its staff and to coordinate this with the Municipal Land Use Law, which might help avoid dealing with less critical issues.

Commissioner Kennedy suggested that these ideas be placed on the next Agricultural Advisory Committee's agenda to solicit their opinions on what is being recommended.

Commissioner Jackson asked if DEP's rules are less stringent than the Commission's.

Mr. Stokes replied that that is generally the case but indicated that the Commission adapted some of DEP's rules.

Commissioner Jackson asked if there is a way for the Commission to partnership with DEP in some of these areas and have them increase their standards.

Mr. Stokes replied that there are always opportunities to partner with DEP, but noted that it is not always easy.

Commissioner Galletta asked if staff was able to estimate the savings in a fiscal year.

Mr. Horner replied no but will get that answer for the Commissioner.

#### Planning Office Presentation

Mr. Liggett briefed the Commission and discussed enhancements and proposed changes in the Land Use Office procedures (see presentation attached).

A discussion ensued regarding unclear terminology such as "substantial and non substantial issues."

Commissioner Galletta noted the importance of each municipality having an environmental Commission to enhance public awareness. He distributed an information packet that the Hammonton Environmental Commission sent to its residents.

Commissioner Kennedy suggested that the Commission may be eligible for a PARIS grant with regard to information systems. Mr. Stokes said that staff will investigate the Commission's eligibility.

The Commission commended Mr. Horner and Mr. Liggett for their efforts in trying to redefine how the Commission operates.

#### Closed Session Resolution

DAG Donlon read a resolution to retire into closed session to discuss CWA matters and personnel matters.

Commissioner Lloyd moved the adoption of the resolution. Commissioner Jackson seconded the motion.

Mr. Stokes called the roll to retire into closed session.

Ashmun	yes	Jackson	yes	McIntosh	yes
Campbell	yes	Kennedy	yes	Witt	yes
Galletta	yes	Lee	yes	Tomasello	yes

Haas            yes                    Lloyd            yes                    Wilson            yes

The Commission agreed to retire into closed session by a vote of 12 to 0.

Return to Open Session

Chairperson Wilson reopened the public portion of the meeting.

DAG Donlon stated that the Commission discussed in closed session matters relating to a contract with CWA and personnel matters. She said that no action was taken in closed session.

Adjournment

Commissioner Lloyd moved to adjourn the meeting. Commissioner Tomasello seconded the motion. The Commission agreed to adjourn the meeting at 12:45 p.m.

Certified as true and correct:

\_\_\_\_\_  
Nadine B. Young,  
Executive Assistant to the Commission

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