

Disclaimer

These minutes reflect the actions taken by the Commission during its July 11, 2008 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 14, 2008.

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

Minutes

July 11, 2008

PART I

Commissioners Present

Candace Ashmun (via conference call), William Brown, Guy Campbell, Leslie M. Ficcaglia, John A. Haas, Daniel M. Kennedy, Stephen Lee III, Edward Lloyd, Norman F. Tomasello, Francis A. Witt, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes.

Commissioners Absent

Paul E. Galletta, Robert Jackson and Robert McIntosh

Chairperson Wilson called the meeting to order at 9:35 a.m.

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

Mr. Stokes called the roll.

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

Public Comment

Ms. Nan Walnut, Southampton Township, stated how the definition of a farmer changes with the type of crop grown and that when they start growing houses, the farmer becomes a developer.

Ms. Terri Lettman, Pinelands Preservation Alliance, stated that she has two concerns: affording bonus densities not associated with lot assemblage; and the impacts of allowing agriculture to continue after clustering. This could lead to decreased water quality and increased density.

Mr. Harry Monesson, Pemberton Township, stated that the CMP should be applied to all interests, not just special interests.

Mr. Jay Mounier, Franklinville, stated that there is nothing precise or exact about the proposed definition of “impervious surface” in the rule proposal and that the regulatory term should be defined in a simple, straightforward manner.

Resolution

Mr. Stokes presented the Resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Cluster Development; Development Transfer Programs; Surface Water Runoff) (See Resolution #PC4-08-62 attached).

Mr. Stokes briefed the Commission on the proposed amendments related to cluster development and development transfer programs.

Mr. Stokes stated that requiring clustering, particularly in the Forest Area, reduces the size of the development area and does not break up the forest as much as conventional development, leaving large portions of parcels undisturbed. This is one of the most significant steps the Commission can take for long term protection of the Pinelands. He stated that the key features of the proposal are that clustering would be mandatory in the Forest and Rural Development Areas, density bonus provisions would be included to provide incentive for assemblage and agriculture would be allowed to continue subject to certain safeguards. He stated that the proposal was unanimously recommended by the Policy & Implementation Committee.

Commissioner Haas moved the adoption of the resolution. Commissioner Ashmun seconded the motion.

Commissioner Lee indicated his strong support for cluster development. He also stated that questions have arisen regarding permeability.

Commissioner Kennedy stated that he agrees with Commissioner Lee and suggested that perhaps staff could provide examples of how the rule would be implemented, specifically impervious surface limitations, after the proposal is adopted.

Commissioner Lee stated that the rule amendment needs to direct people to a specific spot in TR-55 regarding the definition of “impervious surface.” He asked whether the proposal should make all references in the CMP the same, including references in 7:50-6.84(a), the CMP’s stormwater standards.

Mr. Stokes replied that the Commission could do several things with the existing reference in the stormwater regulations, either now or upon adoption, since it is just a clarification. He then suggested to add the words “in Urban Areas” on page 52 where impervious surface is defined.

Commissioner Ashmun stated that she is looking forward to hearing from the public during the proposal comment period and that if just for clarification, this can be done upon the adoption of the proposal.

Commissioner Lloyd stated that he would prefer to do this now.

Commissioners Haas and Ashmun both accepted the change to the motion to add “in Urban Areas” to the definition at this time.

Commissioner Lloyd stated that it should also include a second reference to the NRCS Engineering Handbook in the narrative of the text of the rule proposal.

Mr. Stokes stated that it will be noted on our web site that the table is also available in the engineering handbook.

Commissioners Haas and Ashmun both accepted the change to the motion.

Commissioner Lee questioned the applicability of the impervious surface definition to farm situations and asked if the rule text could be clarified.

Mr. Stokes replied that the rule is proposing an impervious coverage threshold which would apply to those farms where clustering is going to occur. He stated that increases in impervious coverage mean volume must be managed. This does not apply to changes in crop type, seasonal agricultural uses, etc. He stated that the Commission could add that additional clarification on page 48 of the rule proposal to read “Changes in crop type or additional clearing of wooded areas alone would also not be included as these types of changes do not increase the amount of impervious surface on a parcel. Only those surfaces classified as impervious in Urban Areas by TR-55 will be included.” This language, and the addition of the words “in Urban Areas” will also be made on page 25.

Commissioners Haas and Ashmun both accepted the change to the motion.

Commissioner Ficaglia asked how the rule is affected if the agricultural use consists of large existing greenhouses and also if stormwater could be met if so much impervious surface existed.

Mr. Stokes replied that we would need to calculate the impervious surface and if over 3%, it would specified in the deed and any increase would then require a comprehensive plan. He indicated that stormwater would not be an issue for 90% of Pinelands farms.

Commissioner Lloyd asked whether a farmer who wanted to put up 7 greenhouses would need to file an application with the Commission, outside the clustering proposal.

Mr. Stokes replied that no application is required.

Chairperson Wilson asked Mr. Stokes to call the roll.

Ashmun	Yes	Haas	Yes	Witt	Yes
Brown	Yes	Kennedy	Yes	Tomasello	Yes
Campbell	Yes	Lee	Yes	Wilson	Yes
Ficcaglia	Yes	Lloyd	Yes		

The resolution was adopted by 11 Commissioners voting in the affirmative.

Adjournment

Commissioner Ficcaglia moved to adjourn Part I of the meeting. Commissioner Witt seconded the motion. The Commission agreed to adjourn Part I of the meeting at 10:30 a.m.

Certified as true and correct:

Kathleen A. Whitton
Secretary to the Executive Director

Date: _____

Disclaimer

These minutes reflect the actions taken by the Commission during its July 11, 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 July 25, 2008.

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

Minutes

July 11, 2008

PART II

Commissioners Present

William Brown, Guy Campbell, Leslie M. Ficcaglia, John A. Haas, Daniel M. Kennedy, Stephen Lee, III, Edward Lloyd, Norman F. Tomasello, Francis A. Witt, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes.

Commissioners Absent

Candace Ashmun, Paul E. Galletta, Robert Jackson and Robert McIntosh.

Chairperson Wilson called Part II of the meeting to order at 10:25 a.m.

Election of Vice-Chair

Commissioner Campbell nominated Commissioner Tomasello to serve as Vice-Chair to the Commission. Commissioner Lloyd seconded the nomination. With no other nominations, the Commission voted to elect Commissioner Tomasello as Vice-Chair of the Commission by a vote of 10 to 0.

Committee Assignments

Chairperson Wilson announced that some changes to Committee assignments have been made and distributed copies of the assignments to the Commission. She said that she has appointed Commissioner Jackson to serve on the Science Committee and the Permanent Land Protection Committee. Commissioner Kennedy has been appointed to serve as Alternate #3 on the CMP Policy and Implementation Committee. He will become Alternate #1 on the Science Committee and he will continue to serve on the Permanent Land Protection Committee. Commissioner Galletta will become Alternate #2 on the CMP Policy and Implementation Committee. She indicated that all other Committee assignments remain the same.

Minutes

Chairperson Wilson presented the June 13, 2008 open and closed Commission meeting minutes. Commissioner Haas moved the adoption of the minutes. Commissioner Witt seconded the motion. The Commission adopted the minutes by a vote of 10 to 0.

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 June 27, 2008 and adopted the minutes of the minutes of the May 30, 2008 meeting.

The Committee recommended Commission certification of the Stormwater Management Plans and Ordinances submitted by Berlin Borough and Evesham and Manchester Townships.

The Committee recommended that the Commission propose CMP amendments related to cluster development in the Forest and Rural Development Area and also CMP amendments related to stormwater management for public development.

The Committee discussed FY09 Work Plan projects.

Chairperson Wilson stated that she will be asking Commissioner McIntosh, Chairman of the Science Committee, for a report on the progress in implementing the recommendations of the Water Quality White Paper.

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee met on July 3, 2008 and adopted the minutes from the June 5, 2008 meeting.

The Committee discussed the FY 2009 Work Plan and Budget Resolution To Adopt the Pinelands Commission's Fiscal Year 2009 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Fund and the CMCMUA Land Acquisition Fund. She indicated that the budgeted staffing level is 8 1/2 full time positions less than the authorized staffing level and that the Operating Budget is lower than the budgets over the last several years.

The Committee reviewed equipment capitalization system deletions, the check register and electronic funds transfer disbursements for June 2008. The Committee also reviewed employee actions for June 2008. The Committee was provided an update on Fenwick Manor renovations. She indicated that the FY09 Work Plan includes completion of this project and, once the budget passes, the bid package can be sent out by the New Jersey Building Authority. The Committee was also provided with an update on application fees.

The Committee met in closed session and was provided an update on CWA negotiations. The Committee also discussed the Executive Director's performance evaluation process and schedule. A memo with regard to this process was sent to the full Commission.

Commissioner Lee asked about the level of detail Commission members would like to have in the Committees' verbal reports and said that maybe they would rather have something in writing that could be reviewed during the meeting. He said that because some of the verbal reports may not give enough detail, Commission members should provide some feedback about what they would like to report on at the Commission meetings.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee met on June 30, 2008 and discussed following items:

Discussion Regarding Preliminary Commission Review and Authorization to Proceed on Proposed MOAs. The Committee reviewed the June 2008 memorandum outlining a proposed procedure for Commission consideration of proposed MOAs, which incorporated the Committee's suggestions at its March 31, 2008 meeting. The Committee unanimously recommended that the proposed MOA procedure be presented to the full Commission for review.

Introduction to Evaluating Municipal Fiscal Stress. Commission economist Tony O'Donnell updated a presentation he made two years ago that summarized the Commission staff's work on the identification of fiscally-stressed municipalities in the Pinelands Area. The goals of the Municipal Fiscal Stress Study are: to establish a database of indicators for fiscally-stressed municipalities; produce an objective, repeatable model to quantify municipal health; identify economically challenged communities; and identify methods to relieve fiscal stress. Committee members requested that certain additional economic factors be considered for the final model. Mr. O'Donnell indicated that the final model would be presented to the Committee for its review at its next meeting on July 28, 2008.

Update on Proposed Garden State Parkway Widening MOA. Stacey Roth provided the Committee with an update concerning the Garden State Widening Project. Stacey indicated that the Turnpike Authority had completed the necessary fieldwork and would be submitting a revised stormwater management plan to the Commission staff for review. She explained that a final determination regarding the full extent of the threatened and endangered species habitat impacts associated with the project could not be made until the revised stormwater management plan had been completed.

Stacey Roth also gave a presentation regarding the staff's revised recommendation to address the secondary impacts associated with the widening project. The Delaware Valley Regional Planning Commission (DVRPC) Report prepared for the Commission identified potential negative secondary impacts as a result of the widening project at Interchanges 58 (Preservation Area) and 69 (Forest Area). Initially, Commission staff recommended that the Turnpike Authority take steps to ensure that the development potential of vacant/undeveloped parcels fronting on major feeder roads within one mile of the interchanges would not increase as a result of the widening project. As a result of discussions with the Turnpike Authority and the need to aggregate the undersized lots to develop them even under existing zoning, Commission staff revised its recommendation to require that the Turnpike Authority address those larger lots that were currently developable under existing zoning. For the smaller, undersized lots, Commission staff recommended that the Turnpike Authority provide a monetary contribution to the Pinelands Conservation Fund to permit the acquisition of such lots over time. The Committee adjourned into closed session to discuss specific acquisition details regarding staff's revised recommendation. Returning to open session, the Committee discussed the radii of the areas of concern surrounding the interchanges with most members requesting that the radii be expanded from 1.0 mile to 1.5 miles, indicating that the national report referenced in the DVRPC report suggested an area of review between 1.0 mile and 5.0 miles and that the State of New Jersey was more densely populated than other states in the nation. With this revision, the Committee expressed support for Commission staff's recommendation regarding secondary impacts.

Proposed Robert J. Miller Airpark MOA. Charles Horner reviewed the staff's June 23, 2008 letter to Ocean County regarding the potential MOA indicating that the letter detailed the proposed development and the specific measures proposed by Ocean County to provide an equivalent level of protection to the resources of the Pinelands as a result of the development. To address T/E impacts as a result of the project, Ocean County had revised its initial proposal which involved deed restricting comparable offsite T/E habitat to propose deed restricting 410 acres of the 955 acre airpark. Curtis Helm, a consultant for Ocean County, gave a presentation regarding the potential T/E habitat onsite that would be impacted as part of the project, the locations of the proposed development and the locations of the areas to be deed restricted as part of the MOA. The Committee expressed support for the proposed MOA. John Stokes advised Ocean County that, due to staff resources, Commission staff would begin work on the draft MOA upon completion of the proposed Garden State Parkway Widening MOA, and he indicated that the County may want to begin its work on a draft in the meantime.

Fiscal Year 2009 Proposed Commission Staff Work Plan. Commission staff reviewed the proposed work plan with the Committee. John Stokes advised the Committee that Commission staff would be reviewing ways to further expand existing municipal permit streamlining MOAs for public development and would be researching a grant to revise the existing educational curricula for the Pinelands.

Legislative Update. Stacey Roth provided the Committee with copies of two bills: A2867, The Permit Extension Act; and S1538, regarding the establishment of solar and wind energy generation facilities on farms. She advised that A2867 had passed both houses and had been sent to the Governor for his signature. She briefly discussed some of the Committee amendments to

the bill and their potential effect on the Pinelands Area. With regard to A500 concerning the provision of affordable housing, Ms. Roth indicated that the bill had passed both houses and was awaiting signature by the Governor. She advised that the Commission staff had requested clarification of the Committee amendment requiring Regional Planning Entities, such as the Commission, to identify and coordinate affordable housing opportunities within their respective jurisdictions. Additionally, staff had requested an amendment of the bill to address a potential inconsistency between the regional planning entity provisions and the Pinelands Protection Act. The bill, however, was not amended prior to passage.

Executive Director's Report

Mr. Stokes reported on the following items:

The Commission has a number of important items remaining on today's agenda, the Fiscal Year 2009 Budget and a presentation by the Planning and Regulatory Programs staff on some of the changes in business practices that are being contemplated. There will also be a need for a closed session to discuss the CWA mediation session.

Staff will be distributing the MOA protocol to the Commission shortly. This protocol will also be posted on the Commission's web site.

The Pinelands Speaker Series began in mid June with a presentation on Backyard Habitat and will continue next week with a presentation on Pitcher Plants.

The Commission has on its agenda today a resolution regarding the Pinelands Conservation Fund and the potential reallocation of some of the funds. Mr. Liggett will be providing the Commission with an update on this matter and he will be suggesting that the Commission delay action on the resolution to give the Township a little more time to bring some of the pieces together.

Mr. Horner reported on the following items:

The Commission received a copy of a memo dated July 7, 2008 from Mr. Horner to the New Jersey Turnpike Authority regarding emergency work to erect a temporary bridge over the Parkway (Lacey Road). The CMP has an emergency provision which allows the Executive Director, after consultation with the Chairperson of the Commission, to allow the bridge construction adjacent to the existing bridge. This temporary bridge will be up for approximately 90 days. This Commission will be advised of this matter at the next Commission meeting.

Today, the Commission also received a copy of a letter dated July 10, 2008 from Mr. Horner to the Atlantic County Department of Regional Planning and Development which responds to the attached June 30 letter from the County. The County's letter expresses some displeasure at the amount of time the Commission has taken to process an application for reconstruction of the Airport Circle in Egg Harbor Township. His letter recognizes the importance of the project and indicates that as soon as the County submits the requested stormwater information to staff, review of the project will be expedited.

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

Mr. Liggett reported on the following items:

Mr. Edward Wengrowski continues to make presentations throughout the country on the Commission's septic program. The septic management consultant is finalizing the reports, which will be brought before the CMP Policy and Implementation Committee (P&I) to discuss how one manages septic systems in the long term.

NJDEP adopted its wastewater planning rules which will result in significant reductions in sewer service areas across the state. This raises some interesting issues in Regional Growth Areas. Staff commented on this and NJDEP indicated that they are willing to work with staff; however, this issue has not yet been resolved.

Mr. Stokes stated that DAG Valerie Haynes has announced her retirement from State service. He said that he has submitted a request to Ms Haynes' supervisors asking that her date of retirement be extended. He said that there is a provision in the retirement program that the fixed retirement date of August 1 can be extended under certain circumstances. He said that there are several important matters that the Commission will be considering in the upcoming months and a number of those would benefit from Ms. Haynes' sage advice.

DAG Haynes noted that the early retirement incentive was passed at the end of the budget process which created a very short timeframe for decisionmaking.

Public Comment on Agenda Items

Mr. Harry Monesson, Pemberton Township, referred to agenda item 10, regarding the fiscal year budgets and stated that with the current economically stressed times the public ought to be given some idea of the financial health of the Pinelands Development Credit Bank and the Commission's operating funds. He said that in his Township the Gypsy Moth Spray has been cut because of the extreme financial stress that is taking place throughout the nation. He commented on the foolish decisions made by this Commission regarding sprays.

Certificate of Recognition

Chairperson Wilson presented staff member Mary Irvine with a certificate of recognition for her 10 years of service with the Commission. She said that Ms. Irvine is an Environmental Specialist who reviews public and private development applications. She thanked Ms. Irvine for her service.

Mr. Stokes noted that Ms. Irvine also works on the allocation of Pinelands Development Credit program as well as the wireless communication cell tower proposals.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Number 1981-0910.022, Township of Jackson, is an application for a public development recommended for approval with conditions.

Commissioner Haas moved the adoption of the Resolution Approving with Conditions an Application for a Public Development (Application Number 1981-0910.022). (See Resolution #PC4-08-63 attached). Commissioner Ficcaglia seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0. Commissioners Brown and Campbell were not present for the vote.

Mr. Stokes stated that Application Numbers 1984-1450.016, Medford Township Board of Education, 1987-0345.018, Lenape Regional High School District, 1988-0474.003, Pemberton Township, 1996-1396.004, New Jersey Forest Service, 2003-0493.002, Pemberton Township, and 2005-0166.004, Egg Harbor City, are applications for public development recommended for approval with conditions.

Commissioner Kennedy moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1984-1450.016, 1987-0345.018, 1988-0474.003, 1996-1396.004, 2003-0493.002, and 2005-0166.004). (See Resolution #PC4-08-64 attached). Commissioner Lee seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0. Commissioners Brown and Campbell were not present for the vote.

Chairperson Wilson called attention to a letter the Commission received this morning from Jackson Township dated July 10 dealing with the issue of artificial turf in response to some concerns that were expressed.

Mr. Stokes stated that the Commission also received a letter from the Lenape School District who will be undertaking some additional monitoring of its turf field.

Chairperson Wilson asked how the staff is handling these matters.

Mr. Stokes replied that the Regulatory Programs office took the initiative, when these proposals were submitted, to examine the potential environmental impacts. There are really two sets of concerns--health impacts through contact with the artificial turf and the potential for water quality impacts. He said that staff focuses principally on the water quality impacts. He said that some testing was done on these products and detected no leaching. There still may be a question about lead being released from the fibers after multiple uses which might raise some health and environmental concerns. The Department of Health, DEP and others are looking into some of those things. Staff did suggest that each of the organizations do some additional testing over time.

Other Development Review Matters

Chairperson Wilson stated that there were eight PDC Letters of Interpretation issued this month. The PDC Letters of Interpretation allocated 2.75 PDCs to a total of 149.50 acres. There were also two Letters of Interpretation issued for wetlands delineation. She further stated 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 April 2007 Stormwater Management Plan and Ordinance 2008-01, Amending Chapter 335 (Zoning and Land Use) of the Code of Berlin Borough (See Resolution #PC4-08-65 attached).

Commissioner Lee moved the adoption of the resolution. Commissioner Lloyd seconded the motion. The Commission adopted the resolution by a vote of 10 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify the April 2008 Stormwater Management Plan and Ordinance 9-4-2008, Amending Chapter 62 (Subdivision and Site Plan Design Standards) of the Code of Evesham Township (See Resolution #PC4-08-66 attached).

Commissioner Ficaglia moved the adoption of the resolution. Commissioner Lloyd seconded the motion. The Commission adopted the resolution by a vote of 10 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify the May 2008 Stormwater Management Plan and Ordinance 08-013, Amending the Code of Manchester Township (See Resolution PC4-08-67 attached).

Commissioner Haas moved the adoption of the resolution. Commissioner Campbell seconded the motion. The Commission adopted the resolution by a vote of 10 to 0.

Other Resolutions of the Commission

Mr. Stokes presented the Resolution To Adopt the Pinelands Commission's Fiscal Year 2009 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CCMUA Land Acquisition Fund (See Resolution PC4-08-68 attached).

Mr. Stokes highlighted some of the major components of the five budgets, indicating that these five budgets total approximately \$10.7 million, \$4.8 million of which is slated for acquisition. The operating budget is \$4.3 million, 7% less than what was spent 3 years ago. He noted that staff has secured significant help from the Department of Treasury to help finance the Commission's benefit costs, which will be financed to the same extent as most other state agencies. The Kirkwood Cohansey budget is \$1.1 million and it is 49% more than fiscal year 2007, primarily due to professional services increasing by approximately \$400,000, which is a function of billing cycles. There are three parts to the Pinelands Conservation Fund: land

acquisition; conservation planning and research (down 10% from FY 2007); and community design (a modest budget of \$108,000). He stated that Commission staff levels are down significantly. We estimate that staff will have about 690 work months (down from 776 work months in 2006) to devote to different activities in the FY2009 work plan. There are 40 special projects in addition to ongoing day-to-day work included in the work plan, 11 of which are new. In terms of the water quality white paper and the recommendations that were made, there are 14 initiatives that are under way today that directly relate to the water quality white paper and they will consume more than 3 work years' worth of staff time.

Mr. Stokes asked Ms. Connor to highlight a couple of key points in the budgets. Ms. Connor reiterated that the resolution authorizes 5 budgets which support the work plan. It also will designate some money to three reserves that the Commission currently has: \$50,000 into the building reserve; \$3, 240 in the vehicle reserve; and \$111,000 to the hardware and software reserve. She referred to the operating budget notes and stated that there are four notes that would authorize the executive director to spend over the \$29,000 for certain items which include electric service, a professional service contract, the Building Authority, and the Division of Pension and Benefits. She indicated that potential costs from the CWA contract negotiations are not included in this budget. She commented that the fringe benefits amount includes the credit that the Commission is to receive from the State. She said the cost for this fiscal year without those credits would be \$1,200,000. Due to the small number of contracts, professional services costs have gone down. She said that Note 43 authorizes each individual expense account to exceed the budget up to 10% without exceeding the total amount of the operating budget. This provides a little flexibility in the budget while not exceeding the overall budget amount.

Mr. Stokes stated that, as requested by Commissioner Lee last year, the Commission received the May financial report.

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Haas seconded the motion.

Commissioner Ficcaglia stated that staff has worked very hard on this budget and the Commission is grateful in the way it was managed.

Commissioner Lee concurred, noting the challenges of the unknown. He said that the material is good and he is happy to receive the financial report.

Mr. Stokes stated that staff would have liked to consult with the Commission on the work plan earlier in the budget process, but it was not able to do that this year. He indicated that three different budget plans were prepared due to the pending outcome of the budget.

Commissioner Lee stated that he has policy and prioritization questions regarding the work plan this year.

Mr. Stokes stated that the work plan discussion will be placed on the Committee agendas.

Commissioner Lee commented on the work plan items that he would like to explore. He said that he has been spending a lot of time with the ecological integrity assessment report and discovered that the word blueberry never appears in the ecological integrity assessment report. He said that blueberries are a large part of Pinelands agriculture and a huge part of berry agriculture which typically occurs in wetlands. He said that blueberry agriculture is mapped as upland agriculture. He said that he does not recall having this discussion at a committee meeting in terms of classifying blueberry agriculture that occurs on wetland soils as being an upland agriculture crop. This influences the output of the ecological integrity assessment. He said that he is concerned about the conclusion that is drawn from making this assumption at the beginning, which then affects the interpretation of data about the quality of the wetlands landscape or the landscape itself. He said that the Commission needs to continue looking at this before spending a lot of staff time in changing management area lines.

Mr. Stokes stated that staff will be more than happy to continue the review and discussion with the P&I Committee. The staff also plan to discuss the best way to use the EIA with the Committee at its upcoming meeting. He said that the Science office will be there and if there is a need for an additional presentation, a special time can be arranged to do this.

Commissioner Lee referred to Note 4, Forest Characterization Study, in the work plan and stated that it says that a detailed work plan will be developed during the year. The project anticipates 4 work months of time during the year and he questioned if this is to develop the work plan.

Mr. Stokes replied that this was one of the priority Science projects that had been identified by the Science Advisory Committee and the Science Committee 3 or 4 years ago. The estimate includes time to do the detailed work plan and the time that would be devoted to the project this year.

Commissioner Kennedy asked if the budget assumes increased revenue from the increased application fees.

Mr. Stokes replied that it does.

Commissioner Kennedy stated that at a PLP meeting, a member of the Green Acres Program requested \$20,000 in the Limited Practical Use Program.

Mr. Stokes replied that staff is recommending \$15,000, which is what was provided to DEP. If the Department submits information that is compelling, staff will discuss this with the PLP Committee and, if it is warranted, it will come before the Commission.

Commissioner Kennedy stated that Mr. Stokes' summary cites a 22% reduction in the FY2009 appropriation and asked the estimated reduction when the unexpected benefit of having some of the Commission's costs picked up for fringe benefits is added.

Mr. Stokes replied probably about 12 percent.

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

Commissioner Campbell left the meeting at this time.

At this time Chairperson Wilson noted that if DAG Haynes' retirement extension date does not get granted that this will be her last meeting at the Commission. She said that, on behalf of the Commission, she would like to thank DAG Haynes for more than a decade of service and for her always careful, thoughtful, thorough, and fair legal advice.

DAG Haynes thanked the Commission and indicated that representing the Commission is a lawyer's dream because of the commitment, energy and effort put forth by the members. She stated she has been presented with such wonderful, complicated and interesting legal questions over the years. Who would have guessed that when she started her legal career that she would be forever associated in the record books with timber rattle snakes and that she owes that to the Commission.

Chairperson Wilson said that Mr. Liggett will discuss the next resolution with the Commission relating to the reallocation of Pinelands Conservation Fund monies for land acquisition from the Southern Medford/Evesham sub-regional planning area.

Mr. Liggett explained that, of the \$6 million that was set aside for acquisition, \$2 million was earmarked for the Medford/Evesham area. Of that \$2 million, only \$.3 million has been allocated for actual acquisitions in the Medford/Evesham area. Since the remaining \$4 million has, for all intents, been fully allocated to other projects, the PLP Committee was considering removing the earmarks for Medford/Evesham. Mr. Liggett indicated that, although Evesham Township had been stalled for some time due to change in government, there has been more activity recently. He indicated that Mr. Kutner met with the Township Administrator this morning and that the Township will pass a resolution to set aside some funding to match the Commission's funding and will prioritize some projects. Due to the Township's activities, 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. He said the Township is making progress on acquisition strategies and staff is encouraging the Township to move ahead with the rezoning as well.

Chairperson Wilson stated that she understands Mr. Liggett's recommendation, but indicated that the PLP Committee felt strongly that the Township had been given a lot of time in this process. She said that she would not want this extension of time to be interpreted as an opportunity for the community to say it got past this and then slack off again. She said that she wants the Township to understand that if the Commission's postpones this matter for a month, that it is doing so as a matter of courtesy to them in recognition of its latest activity, however belated.

Mr. Stokes stated that Mr. Kutner is present today and he has made a note of the Chair's concerns. He said that if the resolution is held, it would be scheduled to come back to the Commission at its next meeting unless the PLP Committee decides otherwise.

Commissioner Haas made a motion to table the resolution for 30 days. Commissioner Lloyd seconded the motion. The Commission adopted the motion by a vote of 9 to 0.

Commissioner Lee stated that something has occurred to him since the last PLP Committee meeting. He said that it seems to him that there may be an equity component here that he does not believe the Commission has considered. He asked that the Commission consider that acquisition was meant to be part of a program that involved land use changes. Acquisitions are a way to balance the equity in the property and withdrawing the money may create an unfair situation. He said that the Commission has to be mindful of the treatment of everyone, including Evesham Township, as it extends the clock a little bit.

Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Jackson Township Ordinance 08-08 and Pemberton Township Ordinance 1-2008 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 amendment allowing it to take effect.

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

Mr. Lee Rosenson, representing the Pinelands Preservation Alliance and the Audubon Society, complimented the Commission and its staff on the budget during the current fiscal crisis. He further congratulated staff for being able to carry on the function of the Commission as well as they have while working with a seriously reduced work force. He commented on the clustering amendment and said that most of today's discussion was on the concerns of farmers versus the concerns of a forest ecosystem. He noted that the proposal from the Pinelands Preservation Alliance (PPA) got no discussion at all. He said that he wants to note again that, during the discussion of the clustering amendment, the phrase "prime agricultural soil" was used frequently and it was pointed out by Commissioner Lee and others that prime agricultural soils take up over 20% of the land within the forest management area. This makes him believe that if the agricultural economics change significantly, it could become quite profitable to clear forest for farming which is very common. He said that he has noticed that the price of agricultural commodities have been going up dramatically in the recent past. He said that we might not be far from the tipping point where in fact it becomes very profitable to farm in the forest management area which would be harmful to the forest ecosystem. It does not make any more sense to talk about prime forest soil in agricultural management areas than it does to talk about prime agricultural soil in forest areas. He said that the Commission's next 5-year review of the plan should not assume that farming will continue to take a small percentage of land in the forest management area.

Mr. Harry Monesson, Pemberton Township, commented on impervious, non-porous versus porous surfaces and stated that the stones that the Commission has outside its buildings are sharp stones that are somewhat pervious, but yet partially impervious. He commented on how stone is very dangerous to walk on. He commented on the problems and complaints that his brother had with his stone parking lot and indicated that, when the Commission denied his application to black top the parking area, his brother closed his business down and left the state.

Chairperson Wilson stated that that the Commission received in its packet a copy of the decision of Mr. Pappas versus the Township of Galloway. She said that if there are any questions regarding the decision they can be taken up later.

Other Agenda Items

Presentation – Business Practices

Mr. Stokes commented on the volume of work which has increased and the lower staff resources it now has to conduct business. He said that, in light of this, the staff needs to change the way it does things or needs to change what it does. He said that he has asked Mr. Liggett and Ms. Grogan on behalf of the Planning office and Mr. Horner and Ms Young on behalf of the Regulatory Programs office to take a look at current business practices and come up with a plan to modify them. He said that his goal is two-fold one, to focus more of the staff's time on the things that truly matter and secondly, create time to do things which we haven't been able to do in the past. He said that he has asked each office to figure out how to do this. He said that staff will present to the Commission today its approaches, which is the first step in the process.

Chairperson Wilson reminded staff that a number of people have to leave at 12:30 p.m. today.

Commissioner Lee suggested that the minutes and the closed session be done first. The presentation might be able to be postponed until the next meeting.

Chairperson Wilson concurred and stated that the presentation will be done at the next meeting.

Material regarding the presentation was distributed to members of the Commission to review prior to the next meeting.

Mr. Horner referred to the 9 page memorandum that accompanies the slides that he provided to the Commission and noted that this is the conceptual approach to the enhancements to the Regulatory Programs office. He said that this is not meant as a draft regulation, but rather, conceptual ideas.

Mr. Liggett said that he did not do a memorandum and felt that the slides could stand by themselves.

Commissioner Lloyd asked if the business practices should be taken up at any of the upcoming Committee meetings in the next month.

Mr. Stokes recommended that this matter be taken up at the next Commission meeting.

Chairperson Wilson stated that the August Commission meeting agenda will be structured to allow ample time for a full discussion and Commission members will come prepared by reviewing the material which was provided today.

Minutes

Chairperson Wilson presented the July 11, 2008 Part I Commission meeting minutes. Commissioner Tomasello moved the adoption of the minutes. Commissioner Lloyd seconded the motion.

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

Closed Session Resolution

DAG Haynes read a resolution to retire into closed session to discuss contract negotiations with the CWA.

Commissioner Ficcaglia moved to retire into closed session. Commissioner Haas seconded the motion. The Commission agreed to retire into closed session by a vote of 8 to 0. Commissioner Lee was not present for the vote.

Return to Open Session

Chairperson Wilson reopened the public portion of the meeting.

DAG Haynes stated that the Commission discussed in closed session the negotiations for the CWA and no action is proposed to be taken today.

Commissioner Lloyd moved to adjourn the meeting. Commissioner Lee seconded the motion. The Commission agreed to adjourn the meeting at 12:30 p.m.

Nadine B. Young,
Executive Assistant to the Commission

Date: _____