

Disclaimer

These minutes reflect the actions taken by the Commission during its June 13, 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 June 30, 2008.

PINELANDS COMMISSION MEETING

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

Minutes

June 13, 2008

Commissioners Present

Candace Ashmun, William Brown, Leslie M. Ficcaglia, John A. Haas, Robert Jackson, Stephen Lee, III, Edward Lloyd, Norman F. Tomasello, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes.

Commissioners Absent

Guy Campbell, Paul E. Galletta, Daniel M. Kennedy, Robert McIntosh and Francis A. Witt

Chairperson Wilson called the meeting to order at 9:37 a.m.

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

Chairperson Wilson introduced new gubernatorial appointee to the Commission Robert Jackson. She indicated that Commissioner Jackson was confirmed yesterday by the State Senate and that he replaces Robert Hagaman on the Commission. She stated that on behalf of the Commission, she would like to convey its appreciation to former Commission member Hagaman for all his dedicated work and loyal service during his tenure on the Commission.

Mr. Stokes called the roll.

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

Minutes

Chairperson Wilson presented the May 9, 2008 Commission meeting minutes. Commissioner Ashmun moved the adoption of the minutes. Commissioner Tomasello seconded the motion.

The Commission adopted the minutes by a vote of 8 to 0. Commissioner Jackson abstained from voting.

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 May 30, 2008 and adopted the minutes of the May 25, 2008 meeting.

The Committee recommended certification by the Commission of stormwater management plans and ordinances submitted by the Townships of Bass River, Galloway and Pemberton.

The Committee recommended to the Commission the eligibility of one parcel for the 39th round of the Limited Practical Use land acquisition program.

The Committee reviewed draft CMP amendments related to mandatory cluster development in the Forest and Rural Development Areas. Staff will return with additional information in response to questions regarding:

- ? impervious coverage as it relates to farms
- ? establishment of a date by which agricultural uses would need to have been established in order to be allowed to continue farming following clustering, and
- ? the relationship between farm housing, cultural housing and clustering "active" agriculture.

Personnel and Budget Committee Meeting

Commissioner Ficaglia reported that the Committee met on June 5, 2008 and adopted the minutes from the May 1, 2008 meeting. The Committee reviewed the resolution To Authorize the Executive Director to Continue to Expend Funds for FY 2009 at the Same Level of Expenditures as FY 2008 Until the Adoption of the FY 2009 Budgets. This is an annual resolution to permit spending at the same level until the new budgets are adopted. The Committee unanimously recommended Commission approval of the resolution.

The preliminary FY 2009 work plan was discussed. Mr. Stokes discussed recommended new and continuing initiatives in closed session. He stated that he would brief the full Commission at its June 13 meeting and that further discussion, if desired, could occur at the July committee meetings.

The preliminary FY 2009 operating budget was discussed. The budget details were discussed

in closed session. Items reviewed included the activity over the past month, a summary of the fund balance, and future budget forecasts.

The check register and electronic funds transfer (EFT) disbursements for May 2008 were discussed. Information was provided on the checks and electronic fund transfers.

The Committee discussed employee actions for May 2008. The Committee was provided with updates on Fenwick Manor Renovations (project currently on hold but may be reactivated in FY 2009), application fees and audit adjustments and balances since FY 2004.

A closed session was held to discuss the preliminary FY 2009 work plan and operating budget. The Committee was also briefed on recent CWA negotiations.

Permanent Land Protection Committee Meeting

Commissioner Haas reported that the Permanent Land Protection Committee met on May 30, 2008 and adopted the minutes from the March 28, 2008 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.

Of the 12 properties approved in the first round of funding, 3 have been purchased, 3 have been withdrawn and the Committee has granted extensions until July 25, 2008, the date of the Committee's next meeting, for 6 projects that are in progress.

For the second round of funding, the Committee approved 9 properties totaling 450 acres in three planning areas. The funding is contingent upon purchase contracts and certification of fair market value by September 26, 2008.

The Committee recommended that the Commission approve funding for a 30-acre parcel outside the pre-approved acquisition areas. This is on the Commission's agenda for consideration.

The Committee also recommended reallocation of some money between the funding pools if projects don't soon materialize. This recommendation will be forwarded to the Commission for its July meeting, pending the outcome of outreach efforts during June.

The Commission will be renewing its contract for one year to reimburse the Green Acres Program (\$15,000 annually) for expenses related to the administration of the Limited Practical Use land acquisition program.

Science Committee Meeting

Commissioner Haas reported that the Science Committee met on May 9, 2008 and adopted the minutes from the February 08, 2008 meeting. Mr. Stokes presented an update on the Science Office work plan and funding sources and Dr. Zampella discussed budget and time allocations for

fiscal years 2008, 2009, and 2010. Mr. Bunnell presented the results of the impoundment study completed by the Science Office, titled “Monitoring the ecological integrity of Pinelands Wetlands: variations in shallow, coastal plain lake communities associated with land-use degradation gradients and thresholds.” The meeting was then opened for public comment. The meeting adjourned at 1:50 pm.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported on the May 27, 2008, meeting of the Public and Governmental Programs Committee. The Committee discussed:

The primary agenda item was a presentation on Long Term Septic System Management Program. Bruce Douglas from Stone Environmental, Inc., a consultant preparing a Best Management Practices (BMP) Manual for onsite wastewater treatment systems in the Pinelands Area for the Commission, gave presentation regarding Pinelands septic system management initiatives and he identified four potential management models for the Pinelands Area: municipal/county inter-local agreements, utilities authorities, private consultant/municipal engineer contracts and cooperative/non-profit organization agreements. The final BMP manual should be brought to the Commission in September 2008.

The discussion regarding preliminary Committee review and authorization to proceed with proposed MOAs was deferred until the Committee’s next meeting.

Garden State Parkway Widening MOA. The Turnpike Authority is doing the necessary fieldwork this month to allow us to determine whether the project is consistent with stormwater management standards. Commission staff continues to discuss secondary impacts with Turnpike Authority officials and expects to brief the Committee on secondary impacts at its next meeting. The Commission staff has thoroughly evaluated the environmental offsets provided by the 259 acre Turtle Creek parcel proposed by the Turnpike Authority and concluded that there was sufficient habitat at the Turtle Creek site in Washington Township to address impacts to the following threatened and endangered species: Bald eagle, Barred owl, Cooper’s hawk, Northern harrier, Peregrine falcon, Yellow crown heron, Pine Barrens treefrog, Timber rattlesnake, New Jersey rush and Pine Barrens boneset. The Turtle Creek site did not provide a sufficient environmental offset for Red-headed woodpecker or Northern pine snake, which are both primarily upland species. As a result, the Turnpike Authority will need to acquire additional upland acreage to provide an offset for Red-headed woodpecker and Northern pine snake habitats impacted as a result of the development.

NJ Pollutant Discharge Elimination System. The Committee was provided with a copy of a May 15, 2008 letter from Ed Wengrowski to the NJDEP commenting on proposed NJDEP rules related to the NJ Pollutant Discharge Elimination System in the Committee packets. The proposed rules requested that all wastewater generators, upon renewing their permit, do a re-use feasibility study to look for potential users of treated wastewater. We asked that NJDEP look for

potential users of treated wastewater only in Pinelands Management Areas where such use would be permitted. Mr. Wengrowski's letter also suggested that NJDEP expand the list of constituents to include certain waste indicator compounds which are representative of hormones, flame retardants and other constituents.

NJDEP rules related to the NJ Register of Historic Places Rules. The committee also reviewed the May 15, 2008 from Larry Liggett to NJDEP regarding the proposed rules related to the NJ Register of Historic Places. Commission staff commented regarding the state mapping standards of State historic places to enhance the mapping of historic places throughout the state. Commission staff also suggested that cultural resource surveys should be limited to the area of disturbance/impact of the proposed development, instead of the entire parcel. Additionally, Commission staff also provided comments on the proposed field testing protocols, expressing the importance of providing some flexibility to professionals.

Robert J. Miller Airpark MOA. Ocean County had submitted additional information to the Commission on May 14, 2008 to address the Commission staff and Committee comments. Commission staff would complete its review of the submitted information shortly.

Legislative Update. We were made aware of two bills that may be of interest to the Commission. S1299 would permit certain wind and solar facilities in industrial zones. S1538 would permit certain wind and solar facilities on preserved farms.

Chairperson Wilson referred to a letter received by the Commission from the President and CEO of MEND which is an affordable housing organization in Burlington County complimenting the staff, particularly Chuck Horner, April Fijalkowski and Susan Grogan, and thanking them for the wonderful assistance and cooperation that they extended to them in connection with their efforts to develop 36 affordable rental apartment units on a municipal owned site in downtown Medford Township. She thanked staff indicating that it is nice to have someone take note of it.

Executive Director's Report

Mr. Stokes reported on the following items:

Former Commissioner Hagaman is doing well following surgery. He was invited to return to the Commission after full recovery so the Commission and staff can thank him for his service to the Commission.

The following upcoming Committee meetings were highlighted:

June 27, 2008, CMP Policy and Implementation Committee Meeting
June 30, 2008, Public and Governmental Programs Committee Meeting
July 3, 2008, Personnel and Budget Committee Meeting

Mr. Stokes and Mr. Kutner met with Evesham Township's new Council members on the Medford/Evesham Plan. We hope that this plan will be advanced this coming year. A grant was received from the William Penn Foundation previously to help Evesham Township with its

ordinances, but staff has not been able to spend much time on the plan because Evesham Township has not been ready to proceed. There is a concern that some point in time staff may have to return the grant to the Foundation. Also relative to the Medford/Evesham project, Mr. Kutner has been able to make progress on one of the recommendations, which is the Backyard Habitat program. Staff will brief the Commission on this program in the coming months.

Mr. Horner is working with the New Jersey Builder's Association and the South Jersey Builder's League to conduct a seminar on Pinelands stormwater design. The seminar will be held September 17, 2008. A number of engineers, both consulting engineers and municipal engineers, don't seem to be well versed in the new stormwater requirements, not only relative to the Pinelands, but the new state-wide stormwater requirements. This has created a significant burden on the Commission's staff. We hope that the seminar will help in this matter.

The Commission's Public Programs Office has put together a Summer Speaker Series. Programs include: June 19, Backyard Habitat; July 17, Pitcher Plants; and August 14, a video on "People of the Pines."

The settlement which was reached with Mr. Samost on the Sanctuary several years ago still has not been fully implemented. The settlement calls for certain things to be done relative to the road and, to do so, the applicant has to go back to the municipality to get final approvals. He said that the Commission agreed to a minor design change in the road a couple of years ago which has not progressed. Mr. Samost recently wanted to discuss further changes and staff indicated that some progress on implementing the agreement had to be made, such as the \$75,000 contribution to the Pinelands Conservation Fund. The Commission now has that money in hand, in large part due to Ms. Roth's good work.

The Commission received today the annual Pinelands Development Credit report. PDC activity is down which is not unexpected.

The Commission received in its packets a travel voucher, which should be submitted prior to the end of the fiscal year.

The Commission will need to hold a closed session today to discuss two matters--the Pinelands Conservation Fund acquisition program and the Commission's contract negotiations with the Communication Workers of America.

He asked Ms. Roth to discuss with the Commission three bills.

Ms. Roth stated that she provided the Commission with three bills. S1538/A2859 allows solar and wind energy generation facilities to be constructed on preserved farms. S1538 was reported out of Committee last week and is now on 2nd reading before the Senate. A2859 was recently introduced as a companion bill and was referred to the Assembly Agriculture and Natural Resources Committee. What this bill would provide is that notwithstanding any other law regulation or rule to the contrary, which includes the Pinelands Protection Act, solar and wind energy facilities and equipment could be constructed, installed and operated on farms, on both the preserved portion and the portion that is not preserved.

Commissioner Lee stated that a synopsis of the bills were discussed at the Public and Governmental Programs Committee and asked if staff wants an action from the Commission today on these.

Ms. Roth said that she just wanted to make the Commission aware of these bills, that she will be preparing comments on the bills, but didn't want to miss the opportunity to brief the Commission should this bill pick up speed and fast track. Ms. Roth stated that staff's concerns is that commercial solar and wind operations would be sited within Agricultural Production or Special Agricultural Areas where they are not consistent with the regulations of the Comprehensive Management Plan (CMP).

Commissioner Lloyd asked if the CMP applies or not.

Ms. Roth replied with regard to operations that are installed for the purposes of the farm operation, the Pinelands Protection Act and the CMP arguably do not apply, because this provision does not contain the language requiring federal, State and local approvals.

Mr. Stokes stated that he believes SADC shares the concern for protected farms. While those types of facilities would surely be permissible and should be encouraged, they should be to support the farm use and not as a separate commercial endeavor, which is what staff will be recommending.

Ms. Roth briefly noted other provisions of the bill.

Commissioner Lloyd asked staff to prepare comments for the Senate and for the Commission to review.

Mr. Stokes responded that Ms. Roth can distribute a copy of her draft comments prior to submission.

Commissioner Lee said that in the past, the P&G Committee has attempted to respond very quickly when this kind of legislative activity picks up and that the Commission should provide an opportunity for discussion on some of these issues. He said that he would like to read the bill as it has currently been changed. He said that it provides for a real opportunity when talking about renewable energy sources and can understand the concern that a farm not become a net energy exporter. He said that he will make the P&G Committee available to Ms. Roth to do this. He suggested a conference call.

Chairperson Wilson said that there is also the issue of preserved farms because this raises other concerns.

Ms. Roth discussed the second bill, A500, which was reported out of the Assembly Housing and Local Government Committee and is on 2nd reading, was amended by the Committee to create a new methodology to meet fair share housing obligations for municipalities located under the jurisdiction of regional planning entities.

Commissioner Ashmun said when COAH adopted its new rules they also suggested amendments to those rules and asked how this relates that.

Ms. Roth replied that the amendments are still moving forward as part of the administrative rule making process. If this bill were to pass, the Council would yet again have to amend its rules to be consistent with these changes. Ms. Roth noted that the Commission should submit comments regarding the need to harmonize the restrictions within the Pinelands Protection Act concerning the consideration of the number of low and moderate housing units and the new methodology required under the this bill.

Lastly, Ms. Roth mentioned The Permit Extension Act, S2867/S1919. She said that S2867 was just released from the Assembly Environmental and Solid Waste Committee. Originally this bill would toll the expiration period of any governmental approval in existence from January 2, 2006 through December 31, 2012 which was defined as the economic emergency period. The definition of the term “approval” is extremely broad and essentially any approval or administrative decision that allowed development to move forward constituted an approval under the bill. The bill made clear that it would not extend permits or approvals under the Pinelands Protection Act which would result in violation of federal law or any State rule or regulation that required Secretary of the Interior approval. She said that this was brought to the Commission’s attention because the bill was moving at an exceptionally quick pace.

Ms. Roth said that bill S1919 which is the Senate companion to A2867 has already been introduced and referred to Committee.

Commissioner Lloyd said that he believes that there is a hearing on Monday.

Mr. Stokes replied that staff will draft written comments and distribute them to the Committee and the Committee Chair in a timely fashion. He said that these bills are a little unusual since this time of year the Legislature is focusing on the budget and most of the bills that are considered are those which directly relate to the budget. Staff will talk to Commissioner Lee to arrange a conference call if time permits, but at the very least staff can provide to the Committee members a copy of its draft comments.

Mr. Liggett reported on the following issues:

The resolution dealing with acquisition should be considered following today’s closed session. The closed session briefing will provide the context in which the Commission can consider that resolution.

The cultural resource survey for Buena Borough Recharge facility has been completed with help from Commission staff and the Borough’s resources. Some cultural resources were found at the site so the recharge facility will be designed around this area. The Borough has applied for Federal Department of Agriculture and Rural Development Administration funding. The Borough may get a low interest loan rather than a grant. Staff is moving forward with some engineering discussions on this project.

Chairperson Wilson asked what was found.

Mr. Liggett replied that they were looking for a 19 or 20th century early Jewish settlement called Hebron. The Borough didn't find this but found some artifacts from the mid 1850's, such as deposits of pottery and things like that. The Borough will preserve that area.

Commissioner Lee asked how large the area was.

Mr. Liggett replied that the area is about an acre.

Staff has met with T-Mobile regarding its wireless Communication plan. The staff has had a preliminary plan and about half of the facilities do not meet the strict provisions of the CMP. He said that staff doesn't want to duplicate the work the applicant has to do regarding visual impacts, but staff feels it has to have sufficient information to ensure that the Pinelands is protected. Staff believes it has worked out a procedure which will be tested.

Hammonton Town has been sued regarding affordable housing. The challenge facing new or additional development is the Hammonton treatment facility and getting it to recharge wastewater. The question is how staff moves ahead with a large development at the same time it is dealing with the recharge facility.

Stockton State College has almost completed its environmental work on its proposed expansion, which will involve a rezoning and a MOA. This matter will be coming back to the CMP Policy and Implementation Committee (P&I) fairly soon.

Mr. Horner reported on the following issues:

As a follow-up to Commissioner Lee's P&G report, staff met with Ocean County Planning Board officials yesterday for further discussions on the potential Robert Miller Airport MOA, which would provide for certain development at the airport in Berkeley Township. This development is located in a Preservation Area. The question that has arisen in the past is what constitutes a 50% expansion of an airport. The MOA is to assist the Commission staff and the County with planning further development projects at the airport. The P&G Committee has heard from the County on several occasions. Staff will be reporting back to the P&G Committee on the meeting that staff had with County.

Staff held a meeting with the applicant of "Grawtown Estates" in Jackson Township. It is a very large residential development application. The applicant received County approval for the subdivision, which raised issues with the Commission's threatened and endangered species and stormwater standards. The staff called up that approval for review. Following that, the municipality denied the application, partly based on threatened and endangered species and some other factors. This Township's denial is being litigated. The applicant will be meeting with the staff regarding the threatened and endangered issue.

Chairperson Wilson asked what release their County approval means.

Mr. Horner replied that the applicant is looking for a letter of no further review from the Commission on the County approval.

Staff met with representatives from DEP and the Burlington County Health Department on the Foster Tire Dump site in Tabernacle Township. This is a site located on Medford Lakes-Tabernacle Road, County Route 532, where vast quantities of tires had been dumped over decades. There was a fire there about 5 or 6 years ago. Since then, tires have been chipped and moved off site. This project was subject to several applications to the Commission and included a waiver of strict compliance. Most of the tires have been removed and there are some remains of the chips scattered around the site. There is some evidence of soil contamination and DEP is asking the owners of the parcel to accomplish that clean-up. The DEP wanted the County and the Commission to be present at the meeting so that any decisions made would be consistent with the Commission's rules.

Staff has worked closely with Medford Township officials on contamination that occurred from a gas tanker that spilled some time ago on Route 70 in Medford Township. The responsible party and DEP moved quickly to clean up the spill but there is now soil and water contamination. Medford Township wants to get potable water out to some of the businesses and residents around the area because of possible well contamination issues. Staff is working very closely and quickly with the Township.

Commissioner Lloyd referred to the Sanctuary write up in the management report which refers to litigation and the construction permits on four lots that have expired and asked what effect the Permit Extension Act may have on those four lots.

Ms. Roth replied that the construction permits were never issued for those four lots.

Commissioner Lee referred to page 5 of the Manager's report, and stated that Ms. Roth and Mr. Kutner had a meeting about wetlands restoration. He also noted that, on page 26 of the report, the Fish and Wildlife Service and USDA were disappointed with the Commission for moving so slowly on the wetlands restoration MOA. He asked if this is the same MOA.

Mr. Stokes said that there have been discussions with the Fish and Wildlife Services and NRCS, and with the Pinelands Preservation Alliance. Staff has also received many proposals for wetlands restoration. With all of this, it seemed to him that staff needed to try and get a better handle on what could be defined as wetlands restoration. Mr. Kutner's task is to come up with a reasonable, understandable and simple definition. If Mr. Kutner is successful, staff will present a recommendation to the P&I Committee.

Commissioner Lee stated that there needs to be a little interaction with a Commission Committee early with regard to the definition of enhancement and restoration and what they mean to different people.

Public Comment on Agenda Items

Mr. Harry Monessen, Pemberton Township, referred to agenda item #8 regarding the stormwater ordinance in Pemberton Township and stated that the Township, particularly Browns Mills, continues with an antiquated drainage system. It is expected that this Commission will be of assistance to any sound effort towards drainage upgrades conducive to economic productivity that ensures greater opportunity for ratables.

Mr. Peter Ferwerda from Warren Grove commented on stormwater management and the situation that Commission staff is facing with the development application in Upper Township for sand and gravel that proposes excavation to a 100 foot in depth below the original surface ground. He referred to Little Egg Harbor Township and stated that they have a requirement that there be no excavation below the depth of 35 feet without the applicant or the owner of the property demonstrating that there is a public good to be obtained by this type of excavation. He distributed a list of some key points that should be considered in mining operations (see attached list).

Mr. Stokes commented on Mr. Ferwerda's concerns about the mining depth and stated that staff has engaged USGS to advise it on some of these deep mining applications. He said that USGS has suggested that some concerns may exist. The applicant has been notified of these questions but staff has not heard back from the applicant.

Chairperson Wilson asked when staff consults with the USGS in that way, is the Commission in a position to charge that cost to the applicant.

Mr. Horner replied yes and stated that, in this instance, staff has advised the applicant that they would have to post an escrow to pay for that expertise if they decide to pursue the application. He said that USGS did not charge the Commission for the initial work that they did in making this evaluation.

Commissioner Jackson discussed monitoring of sites that have not received permits and noted that sometimes the economic value of doing something may outweighs the fine for doing it.

Mr. Stokes noted the lack of enforcement authority on the Commission's part. He informed the Commissioner of the process for mining applications and that of the municipalities and how the permit renewal process works.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1982-4118.002, New Jersey Forest Service and 1996-1386.002, New Jersey Forest Service are applications for public development recommended for approval with conditions.

Commissioner Tomasello moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1982-4118.002 and 1996-1386.002). (See Resolution #PC4-08-54 attached). Commissioner Lee seconded the motion.

Commissioner Ashmun said that she would like to make her usual comment that the Commission still does not have a plan from the Forest Service and she feels it is time to put a condition on it that it not only has a plan, but the activities fit into a plan.

Mr. Stokes stated that there are two members of the Forest Service present today and he is sure that they understand Commissioner Ashmun's concerns. He said that the revised forestry rules will be coming before the P&I Committee very shortly and the Committee can consider those types of things. Staff asked for comprehensive plans for all of the state lands in 1981.

Commissioner Ashmun stated that she doesn't disagree with that but noted that she has been asking for this for 20 years and somewhere in the 20 years there must have been enough budget to prepare a plan.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Mr. Stokes stated that Application Number 1989-0573.009, Town of Hammonton, is an application for public development recommended for approval with conditions

Commissioner Ficcaglia moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 1989-0573.009). (See Resolution #PC4-08-55 attached). Commissioner Tomasello seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Other Development Review Matters

Chairperson Wilson stated that there were five PDC Letters of Interpretation issued this month. The PDC Letters of Interpretation allocated 13 PDCs to a total of 1430.89 acres. There was also one wetlands delineation Letter of Interpretation. She further indicated that there were four recreation permits issued this month.

Resolutions Relating to Municipal Ordinances

Mr. Stokes presented the Resolution Issuing an Order to Certify the February 2007 Stormwater Management Plan and Ordinances 2007-08 and 2008-05 of Bass River Township. (See Resolution #PC4-08-56 attached).

Commissioner Lee moved the adoption of the resolution. Commissioner Haas seconded the motion. The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Mr. Stokes presented the Resolution Issuing an Order to Certify the March 2007 Stormwater Management Plan and Ordinances 1700-2007 and 1751-2008, Amending Chapter 233 (Land Management) of the Code of Galloway Township. (See Resolution #PC4-08-57 attached).

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Tomasello seconded the motion. The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Mr. Stokes presented the Resolution Issuing an Order to Certify the February 2008 Stormwater Management Plan and Ordinance 16-2007, Amending the Code of Pemberton Township. (See Resolution PC4-08-58 attached).

Commissioner Ashmun moved the adoption of the resolution. Commissioner Lloyd seconded the motion. The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Other Resolutions of the Commission

Mr. Stokes presented the Resolution Determining the Eligibility of Parcels of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program. (See Resolution #PC4-08-59 attached).

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Lloyd seconded the motion. The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Mr. Stokes presented the Resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2009 at the Same Level of Expenditures as Fiscal Year 2008 Until the Adoption of the Fiscal Year 2009 Budgets. (See Resolution #PC4-08-60 attached).

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Ashmun seconded the motion. The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Mr. Stokes stated that Mr. Liggett suggested earlier that the next resolution on the Pinelands Conservation Fund monies be considered after the Commission's closed session discussion.

Chairperson Wilson stated that the Commission will hold the closed session now and return to open session to complete the Commission's business and to consider the resolution.

DAG Haynes read a resolution to go into closed session to discuss CWA contract negotiations and acquisition matters.

Commissioner Tomasello moved to retire into closed session. Commissioner Ashmun seconded the motion.

Mr. Stokes stated that the Commission will be briefed in closed session on CWA contract negotiations, requiring no action. The Commission will be also be briefed in closed session on the Permanent Land Protection Committee's (PLP) allocation of funds for land acquisition in the

Pinelands as some of those projects are still in the negotiation phase. The resolution that is before the Commission is a project where a contract has been negotiated and it is appropriate for it to consider that resolution in open public session. He said that, following the closed session, the two major items that will remain are the acquisition resolution and the briefing he will provide to the Commission on the budget.

Commissioner Ashmun said to make it clear to the public, the PLP Committee has been authorized by the Commission, in certain areas, to go ahead with the purchase. In this case, and for this particular resolution, it's outside the authorized area, so it has to come before the Commission.

The Commission agreed to retire into closed session by a vote of 9 to 0.

Return to Open Session

Mr. Stokes presented the Resolution To Award Pinelands Conservation Fund Monies for the Acquisition of a Parcel in Franklin Township and the Borough of Buena Located Outside the Pre-Approved Acquisition Locations. (See Resolution #PC4-08-61 attached).

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

Commissioner Ashmun explained that this resolution approves the use of contingency funds for the purchase of a property which is not located in one of the pre-approved acquisition target areas.

Mr. Stokes noted that the PLP Committee has allocated funds to several projects in the Medford/Evesham area. This still allows the Commission to retain almost \$1.7 million for other applications within the Medford/Evesham area. Within the Toms River corridor area, several applications have been approved previously. Only a modest amount of money remains there. In the other target areas, which are 502 and planning areas, several projects were approved for funding totaling more than \$1/2 million. In order to fund those projects, the Commission needs to draw some money from the contingency reserve and this reduces the contingency balance to about \$120,000. The PLP Committee has recommended that one project that is outside of those three target areas be approved for funding. This requires formal Commission action. The project is in addition to the Unexpected Wildlife Refuge in the western part of the Pinelands, and although it is not located in one of the targeted areas, it is a worthy project. The PLP Committee has recommended it to the Commission for consideration.

Commissioner Lee inquired as to the zoning of the parcel. He said if there is anything the Commission can do as part of this project to encourage a better relationship between the agricultural production folks and the wildlife refuge folks it might be a very good thing.

Ms. Grogan replied that it is a typical Agriculture Production zone.

Mr. Stokes suggested that if the Commission is so inclined, staff will ask Mr. Catania, who manages the acquisition program, to see if he can't touch base with the principals of the wildlife refuge to see if something can be generated with the surrounding agricultural community.

Commissioner Jackson stated that there are fencing and other remedial programs to help farmer do that.

Commissioner Lee agreed with Mr. Stokes suggestion, noting that Mr. Catania might be able to help in this matter.

The Commission adopted the resolution by a vote of 8 to 0. Commissioner Jackson abstained from voting.

Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Galloway Township Ordinances 1750-2008 and 1754-2008, and Weymouth Township Ordinance 467-2008, and Winslow Township Ordinance 0-11-08, 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.

Chairperson Wilson stated that she will ask Mr. Stokes to give his presentation on the FY budget and work plan. She said that the public comment period will follow Mr. Stokes' presentation.

Presentation – FY09 Budget

Mr. Stokes stated that he hopes to be able to present to the Commission a final budget for its consideration on July 11, along with a work plan. He distributed information to the Commission on possible initiatives and special projects, including new initiatives. He stated that he will be happy to discuss them at any of the upcoming committee meetings. Mr. Stokes, through a PowerPoint presentation, briefed the Commission on the Pinelands Commission's Fiscal Year 2009 operating budget and work plan (see presentation attached). He noted that Governor Corzine's administration, along with former Governors Florio and Byrne, have been a tremendous help in this year's budget.

Chairperson Wilson commended Mr. Stokes and staff and thanked former Governors Florio and Byrne, and Mr. Neal from the Governor's office and the Department of Treasury for their assistance with the Commission's budget. She said that the Commission has been able to avoid layoffs which she feels is miraculous.

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

Mr. Fred Akers, Great Egg Harbor River Association, stated that the Transportation Committee passed the ORV legislation. There have been substantial revisions and he highlighted some of the points in that bill. He said that he attended the Atlantic County Groundwater Advisory

Committee where comments were made about the water supply plan. He said that there are always differences of opinions on this matter.

Mr. Harry Monesson, Pemberton Township, stated that he is happy to hear the report on the off-road vehicles. He said that these vehicles have been hard on the farmers. He referred to the Commission's budget and what is going on at the college right now. He said that the North American Free Trade Agreement and General Agreement on Tariffs have destroyed the dollar and budgets.

Chairperson Wilson stated that she also wanted to thank the Commission's public advocates who went to bat for the Commission with regard to its budget.

Adjournment

Commissioner Lee 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: _____