

Disclaimer

These minutes reflect the actions taken by the Commission during its April 11, 2008. Part I 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 April 11, 2008.

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

Minutes

April 11, 2008

PART I

Commissioners Present

Candace Ashmun (via phone), William Brown, Guy Campbell, Leslie M. Ficaglia, Paul E. Galletta, John A. Haas, Robert Hagaman, Daniel M. Kennedy, Stephen Lee, 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 Valerie Haynes.

Commissioners Absent

None

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.

Mr. Stokes introduced two new Research Technicians in the Science office, funded by the National Park Service monitoring program or federal grants. They are Katherine Brooks and Patrick Burritt.

Public Comment

Mr. Harry Monesson stated that applicants should not be charged fees for things which will restrict private property and economic activity in depressed Pinelands communities.

Mary Anderson, on behalf of the New Jersey Builders Association, stated that revenues are declining because applications are decreasing and that NJBA is opposed to the fee proposal. She stated that State agencies need to take significant steps to cut costs. She feels that the Commission should concentrate on the big picture and leave detailed review of developments to towns. The Commission has certified all municipal master plans and ordinances which is what the Pinelands Protection Act envisioned.

Resolution

Mr. Stokes presented the Resolution To Authorize the Executive Director to Proposed Amendments to the Comprehensive Management Plan, Specifically the Fee Provisions Set Forth at N.J.A.C. 750-1.6 and 1.7, in Accordance with the Administrative Procedure Act. (See Resolution #PC4-08-31 attached).

Mr. Stokes reviewed the history of Pinelands application fees with the Commission. He then distributed another copy of the March 10, 2008 fee table and summarized the proposal, focusing on fees for single family lots and for public development. He presented several examples of fees for public projects. Mr. Stokes emphasized that fees for single family applications can be eliminated in municipalities that implement the "Local Review Officer" program and can also be eliminated for public projects for which a "streamlining" agreement exists. These inducements have the added benefit of reducing the permitting burden on the Commission.

Mr. Stokes also reviewed several other fee suggestions Commission members had offered. One that has been incorporated into the proposal is an escrow provision that applies to proposed intergovernmental agreements that involve deviations from the standards of the Comprehensive Management Plan.

Mr. Stokes asked the Commission to consider a clarification in the descriptive section of the rule proposal, specifically to clarify that the \$2,500 fee for Commission review of an atypical septic system technically applies to both non-residential and residential development but will not normally apply to residential applications because alternative systems already approved through the "pilot" program are normally proposed for residential use and do not require fees.

Mr. Stokes concluded by stating that this proposal, which may raise fee revenue by \$70,000 in FY2009, is a very modest step in addressing a projected deficit of \$926,000, a deficit that may grow by another \$131,000 to \$262,000 based upon information received from the Treasury Department yesterday. He is also working on the details of three other steps that will be taken to address the Commission's financial situation, including cuts in expenses and changes in business practices.

Commissioner Galletta stated that he was born and raised in the Pinelands, one of four generations of land stewards. He stated that residents are just as important as other indigenous

species but does not feel they're being protected. He stated that the Pinelands Protection Act was enacted for the good of the State and the Nation and noted that the towns are in financial distress already. He noted that the fees merely shift cost to the residents.

Commissioner Haganan stated that as a member of the Personnel and Budget Committee, he has been involved with this proposal from the outset. He stated that he has concerns regarding fees for residential and linear development. He noted that although the Commission is in deep financial trouble, so are the Pinelands communities.

Commissioner Lee stated that he agrees that a long term view of the Pinelands is necessary. He stated he has not been a supporter of the fee proposal from the outset. He is concerned about the applicants having to bear 40% of review costs but also understands the need to move forward on the other cost cutting initiatives. He questioned the rational nexus to the fees—is it the value of an application or the cost that the Commission incurs in processing. He urged the Commission to begin on the other cost cutting initiatives. He also agrees that there is a definite need to change our business practices and stop reviewing things that have so little impact. He then inquired as to what actions can be taken regarding changes to the rule proposal if other options arise.

DAG Haynes responded that the Commission does not have to adopt the rule proposal following the public comment period. Minor changes may be made, as well as major changes requiring reproposal.

Mr. Stokes added that the Commission can decide to adopt portions of the proposal based on public comment but not others.

Commissioner Kennedy inquired as to the rationale for tripling the fees for resource extraction and if it is due to the impact on the Pinelands or the staff time to review those applications.

Mr. Stokes replied that the goal was to recognize how staff time is apportioned to different applications. With the current fee for a 20 acre mine at \$700, and the proposal recommending \$2,100, it does not begin to compare with staff time invested in reviewing such applications.

Commissioner Kennedy inquired about any revenue projections for MOAs.

Mr. Stokes responded that that is a function of the Public and Governmental Programs Committee—what the Committee wants to pursue in terms of MOAs and how complicated they are. He also explained the significant increase from FY09 to FY10 and noted that the fee changes do not take effect until halfway through FY09.

Commissioner Ashmun stated that this is a proposal with no final action until the summer of 2008 and might be worth it to the applicant if fees can keep speedy reviews going.

Commissioner Lloyd stated that the Commission needs to act now. We are in a crisis and the rulemaking process takes a long time. He believes this is a modest proposal when compared

with Department of Environmental Protection fees. He believes the Commission is a model agency and deserves more support from the State.

Commissioner Haas stated that Ocean County is concerned with the fees for linear development and is interested in knowing more about streamlining MOAs for linear development as that will help municipalities and counties.

Commissioner Brown stated that the costs have increased too much and that the Commission must bear some of the burden.

Commissioner Tomasello stated that \$70,000 is not much with a \$1 million deficit and that he does not support the fee proposal for public development such as infrastructure and recreation facilities. He also stated that he will not support a layoff of Commission staff.

Commissioner Witt stated that no one likes to raise taxes or fees but that the Commission needs to move forward and start the public discussion.

Commissioner McIntosh stated that the Commission is a victim of a larger problem which is the inability to balance budgets through increased taxes and is doing it through fees instead. With the public review period, he asked if there will be an opportunity to see how the budget will otherwise be resolved.

Mr. Stokes replied yes. The Commission should adopt the budget in July, perhaps August.

Commissioner Lee inquired as to the nexus for the fees.

Mr. Stokes replied that in 2004, the broad goal was to recoup $\frac{1}{2}$ - $\frac{2}{3}$ of application review costs with regulatory program costs at \$1.5 million per year. \$500,000 is projected for FY08, which is only about $\frac{1}{3}$ of the cost.

Commissioner Ficcaglia moved the adoption of the resolution and rule proposal as amended. Commissioner Ashmun seconded the motion.

Chairperson Wilson asked Mr. Stokes to call the roll.

Ashmun	Yes	Haas	Yes	McIntosh	Yes
Brown	No	Hagaman	No	Witt	Yes
Campbell	Yes	Kennedy	No	Tomasello	No
Ficcaglia	Yes	Lee	No	Wilson	Yes
Galletta	No	Lloyd	Yes		

The resolution was adopted by 8 Commissioners voting in the affirmative and 6 in the negative.

Adjournment

Commissioner Hagaman moved to adjourn Part I of the meeting. Commissioner Lloyd seconded the motion. The Commission adjourned Part I at 10:50 a.m.

Certified as true and correct:

Kathleen Whitton
Secretary to the Executive Director

Date: _____

Disclaimer

These minutes reflect the actions taken by the Commission during its April 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 April 17, 2008.

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

Minutes

April 11, 2008

PART II

Commissioners Present

William Brown, Guy Campbell, Leslie M. Ficcaglia, Paul E. Galletta, John A. Haas, Robert Hagaman, Daniel M. Kennedy, Stephen Lee, 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 Valerie Haynes.

Commissioners Absent

Candace Ashmun

Chairperson Wilson called Part II of the meeting to order at 10:55 a.m.

Minutes

Chairperson Wilson presented the March 14, 2008 Open and Closed Commission meeting minutes. Commissioner Galletta moved the adoption of the minutes. Commissioner Tomasello seconded the motion. The Commission adopted the minutes by a vote of 11 to 0. Commissioners Witt and Campbell were not present for the vote.

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 March 28, 2008 and adopted the minutes of the February 29, 2008 meeting.

The Committee recommended Commission certification of the following documents: Egg Harbor City Ordinances 08-07 and 13-07 (adopting design standards for major development); Folsom Borough's 2007 Master Plan and Ordinances 14-2007 and 15-2007, adopting a revised zoning map, expanding the FC (Forest Commercial) Zone and adding cluster development as a permitted use in the Forest and Rural Development Areas; Medford Township Resolution 45-2006, adopting a November 2006 Housing Plan Element and Fair Share Plan, and Ordinances 2007-33 and 2008-4 requiring PDC use for major residential development in certain zones and adding age-restricted affordable housing as a permitted use in the PPE (Park/Public/Education) District; Stormwater Management Plans and Stormwater Control Ordinances submitted by the following municipalities in response to the May 2006 CMP amendments: Cities of Estell Manor and Vineland and Berlin Township.

The Committee continued its discussion of clustering in the Forest and Rural Development Areas and determined that further discussion was needed regarding: bonuses for the larger tracts; issues related to agricultural uses/easements; and whether the same clustering program should apply in both the Forest and Rural Development Areas.

Chairperson Wilson stated that a special P&I Committee meeting has been scheduled for today, immediately following the Commission meeting to discuss clustering.

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee met on April 3, 2008 and adopted the minutes from the March 6, 2008 meeting.

The Committee discussed the Resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan, Specifically the Fee Provisions Set Forth at N.J.A.C. 7:50-1.6, in Accordance with the Administrative Procedure Act. Mr. Stokes discussed the revised fee recommendations based upon feedback he received from the committee at the March P&B meeting, other Commission members, the Pinelands Municipal Council, and the SJ Builders League. The Committee discussed each revision and how the Local Review Officer program could save applicants money on fees. After the discussion, the Committee unanimously recommended Commission approval of the resolution.

The Committee received a financial update. Ms. Connor stated that the Commission was successful in obtaining funding from OMB to cover the salary increases given in July 07 and she gave the status of the FY07 audit. Mr. Stokes provided an update on the Commission's FY09 budget cut and how the cut might affect next year's work plan.

The Committee received an update on the check register and electronic funds transfer (EFT)

disbursements for March 2008. Ms. Connor provided information on the checks and electronic fund transfers.

The Committee received an update on employee actions for March 2008. Ms. Connor reviewed the Employee Actions and stated that the two Research Technicians have started. Mr. Stokes explained that there are eight positions that are being left vacant out of a total authorized staffing level of 66.

The Committee received an update on Fenwick Manor renovations. Mr. Stokes stated that the Barn Renovations are still on hold. However, the money paid to the Building Authority is in an account that may need to be monitored to ensure the money does not lapse.

The Committee received an update on application fees. Ms. Connor updated the committee on the March fees and the total received during the fiscal year.

The Committee held a closed session to discuss confidential personnel matters and CWA, Local 1040, contract negotiations. Mr. Stokes provided an update on the recent negotiation sessions and budget situation – as it may relate to staffing.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee met on March 31, 2008.

The Committee discussed the preliminary review and authorization to proceed on proposed MOAs. At the Committee's February 25, 2008 meeting, Committee members discussed the Commission's process regarding consideration of proposed MOAs. At that meeting, it was suggested that prior to the Committee recommending a proposed MOA to the full Commission for its approval/denial, the full Commission should have an opportunity to consider and comment on the merits of a requested MOA. Commission staff provided the Committee with a list of initial questions that Commission staff usually ask a concerned public agency regarding a requested MOA. The Committee suggested certain additional questions to be incorporated into the list. Commission staff could require that interested public agencies address the initial questions in writing. The written response to the Commission questions could be presented to the Committee, in conjunction with a presentation by the interested public agency, for the Committee to make an initial determination on the merits of the requested MOA. The Committee expressed support for this process.

There was an Ocean County presentation on proposed Robert J. Miller Airpark MOA. The proposed MOA would allow for certain development projects at an existing airport located in Lacey and Berkeley Townships in the Pinelands Preservation Area District. At present, the County was proposing six development projects at the airport. These projects raised issues regarding the threatened and endangered species protection standards and the permitted use (50 percent expansion) standards of the CMP. The County had completed an environmental assessment which identified a number of threatened and endangered species and potential critical habitat at the airport. The assessment identified 243 acres of potential critical habitat that would

be impacted by the proposed development (186 acres of which would involve tree-topping only) and 57 acres of critical habitat that would be impacted by the proposed development. To provide an equivalent level of protection to the resources of the Pinelands as required by the CMP, the County proposed certain habitat creation projects and deed restricting properties in the vicinity of the airport as an environmental offset. The Committee expressed concerns regarding the areas proposed to be preserved by the County as environmental offsets. Historically, the Commission had required that such protected areas be “prospective” and not consist of areas already planned for preservation. Committee members also expressed a concern that public open space monies originally designated for other open space acquisition not be utilized to obtain properties proposed for acquisition in an MOA. Commission staff will continue to work with the County to refine the proposal.

The Committee was provided an update on the proposed Garden State Parkway widening MOA. In November, Commission staff had advised the Turnpike Authority that field work must be completed in the proposed stormwater swales to demonstrate that they would meet Commission stormwater standards. A meeting between Commission staff and the Turnpike Authority was scheduled for April 2, 2008 to review the locations and methodology of the proposed field work. Regarding proposed environmental offsets for the MOA, Commission staff indicated that the Turnpike Authority was still primarily focused on a large wetland parcel (Turtle Creek). In January, the Turnpike Authority provided additional information in an attempt to allow more of the parcel to be utilized as an environmental offset. Commission staff was reviewing the Turnpike Authority’s offset proposal.

The Committee was provided with a legislative update. Several Bills were reintroduced from last session. These Bills included: a Bill to amend the State Transfer of Development Rights Act, a Bill that would prohibit the Commission from requiring PDCs for a development project that includes affordable housing, and a Bill regarding off-road vehicle use. Regarding proposed rules, Commission staff indicated that a meeting was scheduled with the NJDEP to discuss the Commission’s comments on the proposed amendments to the Freshwater Wetlands Protection Act.

Permanent Land Protection Committee Meeting

Commissioner Haas reported that the Permanent Land Protection Committee met on March 28, 2008 and adopted the minutes of the January 25, 2008 and February 8, 2008 meetings.

Three Deed of Conservation Restriction easements were briefly discussed.

The Committee also received a brief update on a potential easement involving a sewer line in the Rural Development Area in Jackson Township as recommended in the Toms River Corridor Plan.

An update on applications to the Pinelands Conservation Fund was presented by Conservation Resources, Inc.

An additional paragraph to the PCF land acquisition program easement will be added to address controlled burning.

Executive Director's Report

Mr. Stokes reported on the following items:

This morning, the Commission received a current list of Forestry Advisory Committee members. The new members are Walter Bien (Drexel University), Amy Cradic (DEP), Emile DeVito (New Jersey Conservation Foundation), George Pierson (New Jersey Forestry Association), and David Schneider (Herpetological Associates, Inc.).

The Nature Conservancy has spent more than \$2 million dollars of the Cape May County MUA Acquisition Fund. The Nature Conservancy has exceeded its obligation to spend funds for land acquisition in Cape May County. There is currently \$400,000 left in the fund for future acquisition.

Commissioner Brown asked when the next installment will come from the new landfill expansion.

Mr. Stokes replied that Cape May County MUA has already put the \$4.5 million in escrow.

Commissioner Lloyd asked for a balance on the previous amount.

Mr. Stokes replied that \$400,000 remains available to The Nature Conservancy to continue to support its acquisition program. He said that the Commission's contract with The Nature Conservancy will expire in June 2009 and he does not believe that the contract will be extended. If The Nature Conservancy is not successful in spending the \$400,000 balance, he believes that staff will suggest that the Commission fold this money into the Pinelands Conservation Fund Acquisition program.

The annual Local Municipal Official seminar is scheduled for April 30 here at the Pinelands Commission.

Mr. Stokes has asked staff to defer further work on the Pinelands Infrastructure Trust Fund program. This is due to staff reductions in the Planning Office. There are several other programs that he has asked be temporarily deferred in the Planning Office as well.

Mr. Stokes updated the Commission on Mayor Chuck Chiarello's medical condition.

Mr. Horner reported on the following items:

On March 28, the Commission sent a letter out regarding the Tuckahoe Turf Farm project. The applicant wishes to move forward with the application of sludge on a parcel located in Hammonton and partially in Waterford Township. The Commission's letter indicated that the information concerning the testing of the material currently being land applied appeared to

indicate that degradation of water quality was occurring and that staff was recommending to DEP that a permit not be issued for any future applications on that parcel unless the applicant was going to come forward with an additional testing program to attempt to demonstrate that the prior work was meeting the Commission's water quality standards.

Mr. Liggett reported on the following items:

The conference/workshop on landfill capping has been deferred to the fall. Staff is working with DEP and EPA representatives to try to put the conference/workshop together to discuss alternatives. DEP sent out three or four letters to Pinelands landfills asking why they are not capping. Estell Manor has hired a consultant and has sent Commission staff a protocol to start testing and to look at alternatives. He said that staff will begin looking at this.

Staff submitted comments on the COAH rule proposal and met with COAH staff this week. They have received 4800 comments on their proposal.

Chairperson Wilson referred to the suggestion made by Commissioner Galletta last month to evaluate whether or not to reduce the number of pages in the monthly management report. She stated that she has spoken to the Executive Director and other Commission members and concluded that there are just as many Commission members that are interested in having the complete report every month. She suggested that anyone who would prefer to receive the report on-line rather than on paper let Nadine Young know.

Commissioner Galletta referred to the Forestry Advisory Committee and its new members and questioned whether there is a scheduled meeting.

Mr. Stokes replied that the Chairman, Michael Catania, has not scheduled a meeting as yet. Staff will recommend that they meet in the not too distant future, once staff can share with them a draft copy of the new forestry rules for their review.

Commissioner Lee referred to the Forestry Advisory Committee and asked if George Zimmerman was on the Committee.

Mr. Stokes replied that Dr. Zimmerman was a member but had resigned.

Commissioner Lee asked if the Commission also appoints the members to the Forest Stewardship Committee that meets on DEP forestry applications.

Mr. Stokes replied no, stating that he is not familiar with that Committee.

Commissioner Lee stated that for he believed Ted Gordon was a long time member of that Committee.

Mr. Horner stated that a forest stewardship review group was established to review forestry proposals. The group consists of staff members from DEP and the Pinelands Commission.

Commissioner Lee asked if Ted Gordon was involved in that Committee.

Mr. Horner replied no, not on that particular Committee.

Commissioner Lee said that Mr. Gordon told him that Mr. Zimmerman had resigned and he thought that Mr. Zimmerman had resigned from the Stewardship Committee. He said that part of the Commission's forestry program integrates with the DEP's stewardship program so the membership on that Committee is fairly important. He said that what occurred to him is that there are no private landowners on the list.

Mr. Stokes stated that Mr. Lee is referring to the Commission's Forestry Advisory Committee and that those appointments are made according to the protocol that the Commission adopted.

Commissioner Lee said that that may be a mistake.

Commissioner Lloyd asked Mr. Stokes to outline the deferred programs for the Commission.

Chairperson Wilson suggested that a list of deferred programs be provided to the Commission at its next meeting.

Public Comment on Agenda Items

Mr. Charles Endicott, Municipal Planner and Engineer for the Borough of Folsom, commented on the agenda item relating to final certification of Folsom Borough's master plan and zoning ordinances, stating that this process started about 2 and ½ years ago. He asked the Commission's favorable consideration of this certification.

Mr. Harry Monesson from Pemberton Township stated that the big picture is something that few of us ever think about. He commented on a free trade economic policy which continues to transport pollution outside United States borders in exchange for cheap slave labored goods. He spoke of abuse of the environment and toxic dumping while Pinelands Commissioners ring their hands over health and quality of life of rattle snakes and frogs. He said that the Commission can do somewhat better.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1981-1833.050, The Richard Stockton College of New Jersey, 1987-0565.007, State of New Jersey, Division of Fish and Wildlife, 1994-0289.025, United States Army, and 2005-0040.002, Woodland Township are applications for public development recommended for approval with conditions.

Commissioner Ficcaglia moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1981-1833.050, 1987-0565.007,

1994-0289.025 and 2005-0040.002). (See Resolution #PC4-08-32 attached). Commissioner Haas seconded the motion.

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

Waivers of Strict Compliance

Mr. Stokes stated that Application Numbers 1987-1185.001, Ernest Darpino, is an application for a waiver of strict compliance recommended for approval with conditions.

Commissioner Witt moved the adoption of the Resolution Approving with Conditions a Request for a Waiver of Strict Compliance (Application Number 1987-1185.001). (See Resolution #PC4-08-33 attached). Commissioner Tomasello seconded the motion.

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

Other Development Review Matters

Chairperson Wilson stated that there were three recreation permits issued this month and were included in the Commission's meeting packet. She noted that there were no Letters of Interpretation issued this month.

Resolutions Relating to Municipal Ordinances

Stormwater Management Plan and Ordinance: Full Certification:

Mr. Stokes presented the Resolution Issuing an Order to Certify the October 2007 Stormwater Management Plan of Berlin Township and Ordinance 2008:3, Amending Chapter 77 (Land Use and Development) of the Code of Berlin Township. (See Resolution #PC4-08-34 attached).

Commissioner Kennedy moved the adoption of the resolution. Commissioner Witt seconded the motion. The Commission adopted the resolution by a vote of 13 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify the October 2007 Stormwater Management Plan and Ordinance 01-2007, Amending the Land Use Ordinance of the City of Estell Manor. (See Resolution #PC4-08-35 attached).

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Campbell seconded the motion. The Commission adopted the resolution by a vote of 13 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify Planning Board Resolutions 5436 and 5752, Adopting and Amending the Stormwater Management Plan of the City of Vineland and Ordinance 2007-40, Amending the Land Use Ordinance of the City of Vineland. (See Resolution PC4-08-36 attached).

Commissioner Galletta moved the adoption of the resolution. Commissioner Witt seconded the motion. The Commission adopted the resolution by a vote of 13 to 0.

Other Municipal Ordinances:

Mr. Stokes presented the Resolution Issuing an Order to Certify Ordinances 8-07 and 13-07, Amending Chapter 170 (Land Use and Development) of the Code of Egg Harbor City. (See Resolution #PC4-08-37 attached).

Commissioner Hagaman moved the adoption of the resolution. Commissioner Kennedy seconded the motion. The Commission adopted the resolution by a vote of 13 to 0.

Mr. Stokes presented the Resolution Issuing an Order to Certify the 2007 Master Plan of Folsom Borough and Ordinances 14-2007 and 15-2007, Amending Chapter 200 (Zoning) of the Code of Folsom Borough. (See Resolution #PC4-08-38 attached).

Commissioner Galletta moved the adoption of the resolution. Commissioner Campbell seconded the motion.

Ms. Grogan stated that there are two ordinances from Folsom Borough in addition to the Borough's Master Plan. She said that the first ordinance expands the Forest Commercial zone along the Black Horse Pike. The second ordinance is a cluster development ordinance to allow clustering in both the Borough's Forest and Rural Development zones.

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

Mr. Stokes presented the Resolution Issuing an Order to Certify Resolution 45-2006, Adopting the November 2006 Housing Plan Element and Fair Share Plan of Medford Township, and Ordinances 2007-33 and 2008-4, Amending the Land Development Ordinance of Medford Township. (See Resolution #PC4-08-39 attached).

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

Ms. Grogan said these ordinances came about as part of the Township's affordable housing obligation under the previous rules that COAH had in effect. She said that there will be new rules in effect later this year. The ordinances allow age restricted or affordable housing in the PTE zone in Medford's Regional Growth Area. There is a second ordinance that shifts the PDC obligation from this project to other residential zones within the Township's Regional Growth Area.

The Commission adopted the resolution by a vote of 12 to 0. Commissioner Galletta was not present for the vote.

Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Buena Borough Ordinance 555, Egg Harbor Township Ordinances 50-2006, 58-2006 and 2-2008 and Medford Township Ordinance 2008-3 and Toms River Township Ordinance 10-2008 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. Rich Bizub from the Pinelands Preservation Alliance commented on the Barnegat Bay Watershed and Estuary Foundation which held a seminar entitled Pinelands to Tidelands. The seminar noted that what happens in inland streams does have an effect on the Barnegat Bay. Dr. Nick Procopio from the Commission's staff made an excellent presentation making that connection, using the Barnegat Bay Report.

Mr. Fred Akers, Great Egg Harbor River Association, commented on a recent Pinelands article he saw in the paper relating to what private individuals can do to help to protect the Pinelands. He further indicated that he attended a GIS conference where there was some interest in promoting requirements for digital data submissions for development applications. He said if more of this is done it could save some costs. Lastly, he said that he inherited 3 ½ acres in Egg Harbor Township and he went to the Township to see what they would like to see on that parcel. They indicated to him that he needed to go right to the Pinelands Commission with his question. He said that this relates to the public comment made earlier about delegating authority to the municipalities.

Closed Session Resolution

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

Commissioner Lloyd moved to retire into closed session. Commissioner Ficcaglia seconded the motion. The Commission agreed to retire into closed session by a vote of 13 to 0.

Return to Open Session

Chairperson Wilson reopened the public portion of the meeting.

DAG Haynes stated that in closed session the Commission received a brief update on CWA negotiations.

Chairperson Wilson said that the Commission will take a recess until 12:30 p.m.

After the recess, Chairperson Wilson reopened the public portion of the meeting. She said that the minutes from Part I of today's meeting have been distributed to the Commission for their review.

Approval of Minutes

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

Commissioner Haas referred to page 49, second to the last paragraph and requested that the sentence read "Commissioner Haas stated that Ocean County is concerned with the fees for linear development and is interested in knowing more about streamlining MOAs for linear development as that will help municipalities and counties." Commissioner Lee stated also on page 49, second line from the top of the page, asked that the sentence now read, "he is concerned about the applicants having to bear 40% of the review cost but also understands the need to move forward 'on the other cost cutting initiatives'."

With Commissioners Tomasello and Brown accepting the changes, the Commission adopted the minutes by a vote of 12 to 0. Commissioner Witt was not present for the vote.

Chairperson Wilson reminded Commission members that disclosure statements are due on May 15.

Adjournment

Commissioner Campbell moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn the meeting at 12:40 p.m.

Certified as true and correct:

Nadine B. Young,
Executive Assistant to the Commission

Date: _____